

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

AUG 01 2018

PER [Signature]
DEPUTY CLERK

(1) Gartor, Kiki Brown NA6401
(Name of Plaintiff) (Inmate Number)

1100 Pike St. Huntingdon PA 16654-1112
(Address)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

(Case Number)

CIVIL COMPLAINT

(1) See Attachment

(2) _____

(3) _____
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ✓ Yes No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ✓ Yes No
- C. If your answer to "B" is Yes:

1. What steps did you take? I have tried. The first step was the grievance officer then appealed to facility manager, then secretary office. The jail has a system in place where they don't investigate grievances, giving late responses or not responding or not mailing out your grievances on time to the secretary offices causing them not to respond. So most of my claims were not adequately address.

2. What was the result? Secretary office would denied addressing my claims because it was not send to them with in 15 business days in which was not true I was sending my grievances out on time but they just refused to address most of my claims. They would also send me memos asserting i did not send copies of responses from the institution even though i did just not to respond. I did not get any results

- D. If your answer to "B" is No, explain why not: W/A

III. DEFENDANTS

- (1) Name of first defendant: See attachment

Employed as _____ at _____

Mailing address: _____

- (2) Name of second defendant: _____

Employed as _____ at _____

Mailing address: _____

- (3) Name of third defendant: _____

Employed as _____ at _____

Mailing address: _____

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. see 58 pg Attachment

It will also stand as a respond to defendants motion to dismiss & summary judgment if no co is appointed

2.

3.

N/A

V. RELIEF

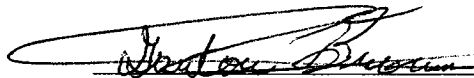
(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. See Page 7 of complaint, also see order to show cause for An Preliminary injunction & A temporary restraining order. plaintiff in this matter is unable to send hit over 200 pages of Exhibits because of 803 indigent policy
2. ~~Plaintiff~~ limiting him to \$10.00 in copying and Postage all in one a month. His Exhibits would be send out after his injunction is granted pursuant to that policy or at a later date.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 07 day of 10th, 2018.

A handwritten signature in black ink, appearing to read "Jonathan B. Brown", written over a horizontal line.

(Signature of Plaintiff)

1 LT. Gildea
 2 C/O Harig
 3 C/O D.L. Hill Jr.
 4 C/O Sposito
 5 Sgt. Zimmerment
 6 Sgt. Lepoux
 7 LT. Frances
 8 Superintendent Horry
 9 LT. Suini
 10 Sgt. Tomhiy
 11 C/O Myers Camp Hill
 12 Lt. Snyder Camp Hill
 13 Dr. Shaikh
 14 Sgt. Smith
 15 Dr. Edwards
 16 Dr. Steve
 17 Nurse Jennifer
 18 Nurse Lisa
 19 Nurse Bob
 20 P.A. Beth
 21 unknown medical provider at Camp Hill
 22 John Wetzel
 23 Paula Price
 24 Dr. Kalada
 25 Dr. Kollmen
 26 Andrew Daucha
 27 Medical Provider Wexford
 28 P.A. King
 29 P.A. Gomes
 30 P.A. Eric
 31 Nurse Nikie
 32 Nurse Trice
 33 Nurse Hallie
 34 Cousins
 35 Goss
 36 LT. Maxwell
 37 LT. Snyder Huntingdon
 38 C/O PloCinik
 39 C/O Crawford
 40 C/O Hariss
 41 Eric Parsons
 42 C/O Johnson
 43 Sgt. Anders
 44 LT. Dunkle
 45 LT. Yunker
 46 CO. Eochtman
 47 LT. W.E. House
 48 Unit Manager Kendrick
 49 Mandy Sipple
 50 C/O Kovick
 51 LT. Eberling
 52 Kevin Kauffman
 53 C/O Wexant
 54 C/O Garlik
 55 Sgt. Rhodes
 56 Sgt. Flowers
 57 Sgt. J. Neumann
 58 Miss Stone
 59 S. Ellenberger
 60 C. Green
 61 Sgt. Moore

Lieutenant Gildea, C/O Harris, C/O D.L. Hill Jr., C/O Sposito, Sgt. Zimmerment
Lieutenant Snyder, Lieutenant Suimi, Sgt. S.T. Leleux, Superintendent Harry
C/O Kovach, Lieutenant Maxwell, Mandy Sipple, Kauffman, LT. House
Unit Manager Kendrick, LT. Eberling, C/O Crowford, C/O Plocinik,
L.T. Younker, L.T. Dunkel, C/O Harris, Eric Parsons, C/O Johnson
Sgt. Anders, C/O Fochtman,

Count II Excessive Force

Sgt. Tomblay, Sgt. Zimmerment, C/O Myers, C/O Plocinik, LT. Eberling

Count III Retaliation

Sgt. Zimmerment, Sgt. Tomblay, C/O Myers, LT. Gildea, C/O Sposito, C/O Harris,
C/O D.L. Hill Jr., Sgt. Leleux, LT. Frances, Superintendent Harry, Sgt. Smith,
LT. Maxwell, Kauffman, Mandy Sipple, LT. House, LT. Eberling, Miss Cousin, Goss,
Unit Manager Kendrick, C/O Harris, LT. Snyder, LT. Dunkel, C/O Kovach, Sgt. Heat,
C/O Wevant, C/O Plocinik, C/O Garlik, Eric Parsons, Sgt. Anders,
C/O Fochtman, LT. Younker, Sgt. R. Rhodes, Porrety, Sgt. Flowers, Sgt. Moore,
LT. Snyder, C/O Myers, C/O Smith

Count V Municipal Policies

Policy # 1
Medical Custom for Inadequate Treatment, Failure To Train, Discipline, Supervise
against John Wetzel, medical provider Wexford, P.A. Jean Doe at Graterford, Paula Price
Kauffman, Unknown medical provider at Camp Hill, Dr. Kevin Kollman, Dr. Kelodas,
Dr. Shaikh, Andrew Doucha

Policy # 2

John Wetzel, Kauffman, Mandy Sipple, LT. Maxwell
Asking for Permanent Injunction on this custom or Policy

Policy # 3

Preliminary and Permanent Injunction on DC-ADM 803 Inherent Policy

Policy # 4

Prison mail Policy, Kauffman Unit Manager Kendrick, John Wetzel, LT. Maxwell,
Mandy Sipple, LT. House, LT. Younker, Sgt. Rhodes, J. Neumann, Sgt. Moore

Count X Inadequate Access To The Courts
Unit Manager Kendrick, Kauffman, Sgt. Moore, Sgt. Rhodes

Count XI Procedural Due Process

John Wetzel, Kauffman, S. Ellenberger, P.R.C.

Count XII Substantive Due Process

P.R.C., Kauffman, Counselor Richeak, C. Green, Unit Manager Kendrick, C/O Plocinik,
P.A. Gaines, LT. Gildea, Superintendent Harry

Count XIII Deliberate Indifference

Count XV Negligence

Count XX Medical Malpractice

? A. Gomes, Dr. Shaikh, P.A. Eric, Nurse Jennifer, Dr. Edwards, Dr. Steve
A. King, nurse Nikie, Dr. Kalada, Nurse Trice, Nurse Hallie,
Dr. Kevin Kollman, Paula Price, Cousin, Goss, Bob, Lisa, PA Beth

Count XXII Assault & Battery

Sgt. Tombly, Sgt. Zimmerment, C/o Myers, C/o Plocinik, LT. Eberling

Extention Of Due Process For Damage Of Property
And Access To The Court

LT. Younker, Property Sgt. Flowers, mail Room J. Neumann, mail Room miss
Stone

Count XV Negligence

LT. Gildea C/o Harig, C/o D.L. Hill Jr., C/o Sposito, Sgt. Zimmerment, LT. Maxwell
Sgt. Leibix, LT. Frances, LT. Snyder, C/o Plocinik, C/o Crawford, C/o Hariss
Eric Parsons, C/o Johnson, Sgt. Anders, LT. Dunkel, LT. Younker, C/o Focht
man, LT. W.E. House, Unit Manager Kendrick, Mandy Sipple, Superintendent Harry,
C/o Kovick, LT. Suimi, Sgt. Tombly, C/o Myers, LT. Eberling, Kevin Kaufman
C/o Weyant, Cousin, Goss, C/o Garlik, Sgt. Rhodes, Property Flowers,
Mail Room Sgt J. Neumann, Miss Stone, S. Ellenberger, Counselor Richards,
John Wetzel, Sgt. Smith, P.A. Jean Doe at Graterford, C. Green, Sgt. Moore
T. Snyder, C/o Myers, C/o Smith, Sgt. Heuter, PRC.,

Certificate of Service

I here by state I am Gator Kiki Brown Plaintiff
in this matter. And that on this 7 day

10 to 20 18 The
Following Motion For Order To Show Cause For An Preliminary
Injunction and A Temporary Restraining order
was put in the U.S. Postage Pre Paid To The following
Address Below

United States District Court Middle District
228 Walnut St. Harrisburg, PA. 17108

Dated 7/10/18

Gator K. Brown WA 6411
Gator K. Brown
1100 Pike St. Huntingdon PA. 16854-1112

10730 Plaintiff Case 3:18-cv-01527-MCG Document 1 Filed 08/01/18 Page 9 of 68 (1983 also citing 28 U.S.C. 1331(a), 28 USC. 1367. Plaintiff is suing all defendants in their official and individual capacity. Although the state statute is not in front of Plaintiff because he is being deprived law library time; he will like to sue under these state statute, Damage of Property, Count XIII, Count XV, Count XX, Count XXII and count II. These counts are lay out through his Complaint. Also Count XXI.

Plaintiff is citing "28 U.S.C. 1915, and is claiming he is under imminent threat of serious Physical injury." Plaintiff is also claiming under 42 U.S.C. 1997(c)(2) which states "no action shall be brought with respect to Prison conditions by a Prisoner confined in any Jail, Prison, or other correctional facility until such administrative remedies as are available are exhausted." Brown is claiming he has exhausted his administrative remedies, or attempted to.

This court also has Jurisdiction under 28 U.S.C. 1343(a)(2) see Pennhurst State Sch & Hosp. v. Halderman, 465 U.S. 89 106 (1984) "Pennhurst does not Prohibit Federal Court from awarding damages based on state law claims or awarding any kind of relief against local government". Plaintiff claims for injunctive relief are authorized by 28 U.S.C. 2283 & 2284, and or 28 U.S.C. 1367. See Count V Policy 2 and 3.

Plaintiff is seeking \$125,000 from each defendant in Compensatory Damages and more if the Courts deem necessary. Plaintiff seeks \$125,000 from each defendant in Punitive damages; and more if the court's deem necessary. Plaintiff seeks nominal damages in any amount the Court's deem necessary. Under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. 8541 et seq, no local agency or employee may be held liable for any damages caused by the employee acting within the scope of his duties unless the allegedly injurious acts fall into one of the exceptions listed in 8542(b).

Under 42 Pa. C.S.A. 8550, an employee is not protected by his agency's immunity if his act constitutes a crime, actual fraud, actual malice, or willful misconduct. Pennsylvania Court have held that willful misconduct in this context is synonymous with "intentional tort" see Agresta v. Philadelphia, 694 F. Supp. 117, 123 (E.D. Pa. 1985). Defendants are not protected by governmental immunity against Brown's claims. Brown is also seeking attorneys' Fees in which he is asking defendants to pay for all cost Pursuant to this litigation respectfully.

Plaintiff is asking for declaratory, injunctive and monetary relief. Plaintiff is sworn under Penalty of Perjury that everything in this Complaint is true.

Count I Failure-to-Protect

Brown is a 120 pound homosexual male that was housed at Camp Hill from 08-09-17 - 10-23-17. Brown made officials at Camp Hill aware of this in which it is also transparent because Brown talks like a girl and switch his hips when he walk. Plaintiff was transferred to the RHU around 09-28-17 Pursuant to a write up he got. After the strip cage, Plaintiff meet with Lieutenant Gildea. Plaintiff made Gildea aware of his concerns of being housed with other inmates while in the RHU. Nevertheless his request was denied as Gildea asserted "we don't accommodate fags!" Lawsuit Man

Plaintiff told Gildea he was bleeding from his hand during which a co had slammed the gate on his hand. Gildea told Plaintiff, "Camp Hill is not the place to act up, you need to read on our history! We don't give a fuck about gay rights or your dom ass lawsuits!" As Gildea was locking Plaintiff in his newly assigned Brown asserted "don't call me gay" my name is, Gildea cut Plaintiff off "shut the fuck up, your name is what ever I say it is!" "matter of fact sense you want i be a smart ass, I got something for you!" He then slammed the cell door.

Plaintiff notice his Cellmate was in the yard. Gildea came back faster then a track cunny, asserting "let's go!" Plaintiff was mumble at this point, that's when Gildea asserted "I am calling you up with 'Stroma' he has 12 A2 assaults" and he loves homosexuals. Gildea took Plaintiff out of one cell and put him in with "Stroma". "Stroma" then told Gildea "You know I don't take cells in the hole he's going to be a victim!" Gildea side have fun!

The Eighth Amendment requires Prison officials "to Protect Prisoners from Violence". *Bistrion v. Levi*, 696 F.3d 352, 367 (3d Cir. 2012) To establish a Failure to Protect claim Plaintiff must show he was incarcerated under conditions posing a substantial risk of serious harm; Prison officials acted with "deliberate indifference," in which they knew of and disregarded an excessive risk to his safety; and the official's deliberate indifference caused the Prisoner harm. During Plaintiff's stay in the cell with Stroma, official Harig conducted a visual cavity search before Brown left the cell two times and co D.L. Hill once as part of policy. At no time did these officials tell Plaintiff cellmate to turn and look the other way, at one point co Harig told Plaintiff to turn and show "Stroma" his anal cavity, in which that CO asserted "I know how you fags are, 'Stro look and make sure nothing is hiding in there for me!" On 10-1-17 when Plaintiff came back to the cell "Stroma" asked him to sit on his bed. Brown then asserted "I don't roll like that!" "Stroma made Brown aware while he was out the cell Gildea came to the cell and told him Plaintiff was "gay" and a rat. Stroma asserted "what do you think he put you in here, he told you all about me I am guessing!" "I have 12 A2 assaults, and I like to to fuck inmates!" At this time Plaintiff back was to the wall.

A yelling match then started, as Brown started to walk to the door to going ask officials to remove him from the cell while he did every other time he was out the cell, he was pulled back by his hair with physical force by a 245 pound beast. Plaintiff was then subject to a brutal beat down that included hits to the face and ribs. "Stro then tied Plaintiff's hands with a sheet, as Plaintiff was crying for help he was hit again and told to "Shut the fuck up!" A sock was then forced into his mouth. Brown was now on "Stroma's" bed with his jumper off and boxers down to his knees were his jumper was, Plaintiff's head was faced the door and he seen Lieutenant Gildea come to the door with another unknown co. He then asserted "You don't get blood on my sheets out loud!" at no point did Gildea attempt to stop the sexual assault on Brown before walking off he asserted, "that's what you get for being a smart ass!"

The sharp pain in me was more hurtful then when my mother die. Plaintiff suffered contusions to the head, face, and knee from the sexual assault. Within the next couple days Plaintiff protested through the doors when he had a chance usually when "Stroma" was asleep. Brown had a chance to talk to Gildea telling him what took place, he told Plaintiff to stop ratting, that he was glad to see it go down as in the sexual assault. Nothing was done to remove Plaintiff from the cell by Gildea. On 10-4-17, Brown suffered another sexual assault at the hands of "Stroma".

This time Brown was pulled off the bed with extreme physical force, hitting a head on the side of the bed. Plaintiff was then beaten then tied with a rope line. After his Jumper was forcibly taken off, he was thrust into. Plaintiff then started bleed from the anal during the middle of the assault. Again a sock was put into his mouth and a hand over to stop the yells. Although Gildea did not witness the second sexual assault, he was made aware after and did nothing. This time Brown suffered numbness to the head, Green Pain, Hip/Elezer Pain sharp back Pain, and Pain through the ribs. Gildea deliberate indifference caused Brown's injuries.

Plaintiff also brings these claims against Co. Sposito. On 10-1-17 the unknown Co. that was at the door with Gildea was Co. Sposito. It was obvious from Sposito's actions in which was motivated by Gildea showed malicious indifference. Plaintiff was not aware that this was Sposito, till he had a chance to leave the cell the next day. He then made Sposito aware that he seen him at the door with Gildea. Plaintiff then asked Sposito why he did not stop the on "going rape"? Sposito asserted, "that's why we put you in there." Plaintiff then begged Sposito to remove him from the cell, he asserted "Strona is not done with you!" Brown was let back into the same cell, and was later sexually assaulted again on 10-4-17.

To be liable, a prison official must both know of and disregard an excessive risk to inmate safety, that is, the official must actually be aware of the existence of the excessive risk. It is not sufficient that the official should have been aware, although subjective knowledge can be proved by circumstantial evidence that the excessive risk was so obvious that the official must have known of the risk. *Beers v. Capitol v. Whetzel*, 256 F.3d 120, 133 (3d Cir. 2001). Sposito was also made aware of the second sexual assault on Brown, in which he asserted, "Man you keep getting rape, he must like you!"

Plaintiff also brings these claims against both Co. Harig, and D.L. Hill Jr. because both actors actions was unjustifiable conducts without any legitimate penological purpose. Brown also brings these claims against both Sgt. Zimmerment and Lieutenant Snyder of Camp Hill. All four actors was aware of both "Strona's" violent pass and the fact that Plaintiff was 120 pound homosexual.

Plaintiff also made Co. Harig, D.L. Hill Jr, Zimmerment, and Snyder aware of the brutal act while at the law library on 10-2-17. While Brown was on his way to the library Co. Harig asserted "Damn it small like sex in your cell, in which D.L. Hill followed up with "Sposito told us you got some!" They then told Plaintiff he was moving slower than a escargot and asked him if his ass hurt. While at the law library Plaintiff told all defendants he feared for his life that he did not want to go back in the cell. Snyder then asserted "I am gay too just had sex with a man last night." Defendants was deliberate indifference in putting Brown back into the cell in which was contrary to policy. In accordance with DC-ADMP08, section 4A "Upon learning of an allegation that an inmate was sexually abused, the first staff member to respond shall follow the procedures. Security staff shall notify the Shift Commander immediately separate the alleged victim and alleged abuser (28 C.F.R. 115.64 [a][1]). At no time did any of the defendants followed policy in which caused Plaintiff to suffer a second sexual assault on 10-4-17 at the hands of his cellmate.

Defendants actions violated the Eighth Amendment 42 U.S.C. 15601 (13) and 42 U.S.C. 1983 (1) see *Schwank v. Hartford*, 204 F.3d 1187 (9th Cir 2000) see Exhibit J #2

Actual knowledge or awareness requires "articulated specific threats of serious harm" or "multiple complaints about his assailant to any one guard" (Jones v. Beard, 145 Fed Appx 743, 745 (3d Cir 2005). Defendants was also aware under reception and classification both Brown and "Strona" should had been in different cells because Plaintiff was on a disciplinary charge from a misconduct and "Strona" was in the R.H.U. under investigation for extorting another inmate. At the time both inmates was two different classifications. Sgt. Zimmerment asserted to Plaintiff, "Myers and I made a bet that you would get your ass took before leaving the Hill." "I guess we was right." Plaintiff then asked Zimmerment to remove him from the cell that he fear for his life. Zimmerment asserted "Stop crying and go get fucked again!" This was on 10-2-17; because Zimmerment failed to protect Plaintiff was sexually assaulted again on 10-4-17.

Also see exhibit A-1 Pursuant to ~~Case 3:18-cv-01527-MCC Document 1 Filed 08/01/18 Page 12 of 68~~ Apparently Plaintiff was transferred to SCI Huntington on 10-23-17 a day after leaving the RTHU at Camp Hill. Plaintiff was then transferred back to Camp Hill with in days; after he made officials at SCI Huntington aware of the brutal Maricousz rapes he suffered prior to getting too Huntington. The D.O.C. reason for the transfer back to Camp Hill was so Brown could consult with State Police. Although Plaintiff protested of alternatives, because he feared retaliation, he was forced by officials to go back.

Plaintiff met with a Lieutenant Sumi on 10-30-17 while at Camp Hill. Plaintiff made Sumi aware of his concerns of having a cellmate pursuant to what had already took place, and his feminine characteristics made him a target to other inmates. Also that if his cellmate finds out that he's a rape victim that came back to Camp Hill to talk to State Police, that would cause an excessive risk to his safety. see Bishton, 646 F.3d at 367. Sumi stated to Plaintiff there was no policy accommodating Gays or victims of rape. He then added "You are not a Z-code so you can't get a single cell, and it's to our discretion to give you that Z-code because your at us, we will never give you Z-code". "You have to take a celly, or it's back to the R.H.U." and you remember what took place down there the last time it was there". Because Plaintiff did not want to go to the R.H.U. he was forced to take a cellmate

Plaintiff also brings failure to protect claims against Lieutenant Sumi and SGT. S.T. Leleux. The first thing Plaintiff's cellmate said to him was "O hell no, I don't do gay cells." "Willson" then went to the bubble and told officials "yall got a fag in my cell switching his hips, who is he?" "I don't want him in my cell," officials told "Willson." It would be handled the next day. On 11-1-17 after Plaintiff came from dinner, "Willson" told him to kick his shit, and to get out the cell. He then told Brown that SGT. Leleux told him Plaintiff was raped in the RHU, and now he's back from another jail to talk to the law. "Willson" then asserted your a "rat" and your gay, you got to get the fuck out!"

Plaintiff then walked to the bubble and told Sgt. Leloux he was in danger that his celly wanted him out the cell. Leloux then walked to Plaintiff's cell and asserted to "Willson" the only way Brown is leaving this cell is in a body bag, this is jail. Y'all work it out!" "Fuck him up if you have to," Sgt Sumi was called, and Superintendent Harry also came down. Brown told both Sumi and Harry what "Willson" had told him. Pursuant to getting out the cell and being a rape victim, "Willson" then started to talk to Harry, and Sumi saying "Y'all put him some wear ears, there is a empty cell put him in there!" Harry asserted he's not a Z-code "I don't care what you do with him!". He told all three actors "Y'all go on to send him to mediac with his shut open!"

Deliberate Indifference is a subjective standard requiring the Plaintiff to show the Prison official actually was aware of an excessive risk to inmate safety. Jackson v. Veroff 100 F.3d 1149, 1142, 1152 (8th Cir 1998). Brown then asked both Harry and Summit why don't they just put him in a single cell and they told Brown because "You told Huntington that our CO's had something to do with your sister rape". After they walked off Plaintiff was forced back into the cell by Leleux. Within no time "Wilson" started to hit Plaintiff on the face, after Brown fell to the floor. "Wilson" started to yell out the door "I told you to get him the fuck out of my cell". Plaintiff then walked back to the bunk this time with blood all over him from a broken nose. Leleux started to laugh when he seen Plaintiff. "Threats between inmates are common" and do not, in every circumstance "serve to impute actual knowledge of substantial risk of harm".

This is different and the Courts should note how serious Brown's claims are. Plaintiff made multiple complaints in which was specific to officials, but nothing was done. Willson also told Leleux, Harry, and Sumi that he would harm Brown if they did not remove him. Officials' actions were in contrast to policy. See Exhibit B-5. Plaintiff was sent to medical in which he met with medical officials. LT. Frances and Superintendent Harry was called down. Brown addressed both actors, asserting all that just took place, in which Harry was already aware. Plaintiff was told to sit in the hallway outside medical. At this time Plaintiff was still bleeding from the nose, accessarily, his shirt was covered in blood. One inmate even asked him "did you just fight a U.F.C. fighter?" Both actors came out of medical

They then told Plaintiff to go back to his unit. Plaintiff started to cry out of fear, he then asserted it would be anxious, being that he was just assaulted for being a rat and being a gay inmate. Nevertheless the issue was ignored. "This was like a nightmare that wouldn't end". Plaintiff walked back to his housing unit and notice his cellmate was still in the cell with no write up for his actions. Willson told Plaintiff not to look at him and any wrong move would trigger another assault. The next day Plaintiff suffered another assault after he used the toilet and forgot to flush. Brown again was bleeding and had bruises from only one hit to the face. Plaintiff again walked to the bubble and told officials what happened. This time Sgt. Leleux refused to send Plaintiff down to medical. Plaintiff also bring failure to protect claims against both J. Frances and Superintendent Harry. Plaintiff expressed his concerns regarding his safety, but nothing happened to prevent the assaults to Plaintiff. Both Harry and Frances was aware that Brown cellmate was aware he was a rape victim that was down from SCI Huntinton to cooperate with the State Police. It was also obvious that his cellmate was aware he was gay in which Leleux told him and the fact that Brown has feminine characteristics.

Plaintiff also wrote grievances pursuant to his stay in the RBU at Camp Hill and his transfer back to Camp Hill see Exhibits B1-5 and C1-4. Plaintiff brings these claims against CO Kovach. After Plaintiff was transferred back to SCI Huntinton on 11-13-17 he met with both P.R.E.A. Personals Lieutenant Maxwell and Mandy Sipple. Maxwell asserted to Plaintiff that he use to work at Camp Hill and his friends was under allot of heat because of his claims. He stated he was not happy with Brown because of that. Sipple then asserted that Policy dose not require that Plaintiff be given a single cell just because he is a homosexual and a rape victim.

Both actors then started to ask Plaintiff about his pending lawsuits. Plaintiff asserted he did not want to talk about any pending litigations. Plaintiff then told both officials that he was just assaulted back at camp hill and he fear for his safety and that he would again be a target because of his feminine characteristics in which he was little, he talked like a girl, and with his hips when he walks and he wears "eye liner". Sipple told Plaintiff "you can't have your cake and eat it too" it's seems to me your trying to attack men, so don't scream rape". Maxwell asserted to Brown, "look you will be getting a cell we are over crowded if you refuse then the RBU will be your home".

Two members from security came in with Pen and Paper. They told Plaintiff to sign a double bunking sheet and write a statement that he is ok to go and stay in Population. Plaintiff refused and he was threaten so he sign it. Plaintiff was then put in Population on B-A where it was single Bells. After a week he was told he would be moving to get a cellmate because he had wrote a grievance on two Security Staff. Plaintiff refused to take a cell and he was send to the hole. Plaintiff spend 30 days in the hole in a single cell. When he came out he was put on A-A with a cellmate name Dale Jackson. Plaintiff made both Lieutenant Maxwell and Mandy Sipple aware that he fear for his safety and that he was having mental issues. Nothing was done to accommodate Brown.

Plaintiff then made his concerns be known to a block co name Kovach. He told Kovach that Dale keep asking him if he was gay and making fun at him for wearing eye liner. On 1-7-18 Plaintiff was called a fagit by CO Kovach in front of other inmates. Plaintiff then called the PREA hot line and wrote a grievance. By 1-13-18 CO Kovach had slipped Dale personal mail of Brown pursuant to his sexual assault claims. He then told Dale that Brown had been raped and he likes putting in lawsuits and cooperating with the law. Plaintiff met with both Maxwell and Sipple and made them aware of what Kovach did. Their response was, "stop wearing eye liner". Inmate Jackson then told a friend that Plaintiff was a rat, that

And a homosexual that was raped at Camp Hill. Jackson then gave his friend "Allan" a grievance responds from Camp Hill that was given to "Jackson" by Co. Kovach. That inmate then passed it around to the other inmates on the block. Both "Jackson" and "Allan" then started to sexual harass Plaintiff, and extort him. Plaintiff was forced to call a family friend of another inmate's account so that it would not alert officials, asking for money. That family friend sent over \$300.00 to both "Jackson" and "Allan". Inmate Jackson then put a shank to the neck of Plaintiff, asserting "If you tell I'll kill your fuck ass".

Never the less Plaintiff again told both Maxwell and Sipple but nothing was done. On 1-15-18 Brown was assaulted by inmate "Jackson" in the morning before Jackson went to school. He then told "Allan" "if you see him come out the cell fuck him up!". Nevertheless Plaintiff came out the cell because he would not stop bleeding from a cut on his face and his nose. He then made Co Kovach aware and a Sgt. Mt. Aurano. Co Kovach told Plaintiff that's what you get "fucking rat", "now get away from my desk before I write you up!". Sgt Aurano told Kovach "we have to send him to medical, he's bleeding". Kovach asserted "if we do that, they will make a big deal you know we've got all these law suits". Plaintiff was forced back to his cell.

Officials Sipple, Maxwell, and Kovach had knowledge of excessive risk to Plaintiff's safety. Circumstantial evidence concludes that defendants knew of a substantial risk from the very fact that the risk was obvious. see *Bistran v. Levi* 696 F.3d 352, 367 (3d Cir 2012). Plaintiff also made Kovach aware when inmate Jackson put the shank to his neck and that he was forced to put over \$300 on Jackson and Allan's books, and Co Kovach did nothing when Brown asked to be moved. Brown again wrote a grievance see Exhibit D1-4.

On 1-22-18 Brown was written up and assign to the R.H.U. He was put into a Canteen Cell in which he had a mental break down. Plaintiff was written up for refusing a cellmate while in the R.H.U. Brown was moved out the Canteen cell to a single cell on 2-1-18. On 2-2-18 Co Plocinik came to Brown's cell to alert him that he will be moving with inmate Allan on G-A the next day. Plaintiff made Co Plocinik aware that him and Allan was enemies, that while on A-A he was extorted by both Allan and Jackson for over \$300.00. Plaintiff also asserted he had wrote a grievance asking for separation on both Allan and Jackson see Exhibit D1-3, but that his grievance was never response to. He also asserted to Plocinik that both LT Maxwell and Sipple was aware and that he was a rape victim and he would neither get caught up before taking a cellmate. Plocinik told Plaintiff that he was aware and that Allan is on his enemy list, but it was over crowded so he would have to move Brown when it was time. He also asserted "he did not give a shit".

Plaintiff was then called down to Maxwell's office. In the office was a Lieutenant House, Lieutenant Eberling, Kevin Kauffman's unit manager Kendrick and Mandy Sipple. Brown notice House and Eberling was the two officials that force him to sign the double bunking sheet see Exhibit G1-5 in which Brown wrote a Grievance directed to both officials. Brown started to talk, asserting he was subject to harassment on the way ~~back~~ to Maxwell's office by other inmates because officials had said it out loud "your going to see Maxwell" and inmate knows that Maxwell is the P.R.E.A. Lieutenant. Brown also made officials aware that he had been subject to harassment by other inmates such as Allan and Jackson and that he was very concern about his safety. Kauffman told Brown, "You should had never left the house this is jail!" inmates get assaulted and sexually assaulted all the time, put some weight on ~~on~~ and you will be fine. Kauffman also predicated "Prisoners do not have ~~rights~~ rights".

Plaintiff made these officials aware that he did not want to go in the cell with Allan because they was enemies that he was extorted by this same inmate and was subject to sexual harassment after Co Kovach slipped Jackson legal mail pursuant sexual assault claims by Brown. House, Eberling, Kauffman & Sipple and Kendrick all agreed that Plaintiff will be going in the cell with Allan despite his concerns because it was over crowded in the R.H.U. and the Jail. Plaintiff then predicated that he was aware that "Allan" was in the hole for stationing another inmate over coonies. They told Plaintiff he would be made with or spray with O.C. "the good stuff".

Brown is alleging that he informed official Kauffman, LT House, LT Eberling, Kendrick, Maxwell and Sipple of the Substantial risk of serious harm and they disregarded the risk despite knowledge see Beers - Capitol 256 F.3d at 132 Plaintiff also brings failure to protect claims against these actors. The next day Plaintiff was told it was time to move by Co. Plocinik and Co Crowfoot. Co. Plocinik then redacted "Allen is going to fuck you up, we just told him your moving in with him" "You should had seen his face". He said who the fuck kid?

Plaintiff again told both Co's that him and inmate "Allen" was enemies and that did not want to move in with him. Nevertheless Co Plocinik asserted that force would be used because it was over crowded. An inmate Del Grosso shared was a witness as Plaintiff was crying out that he did not want to go into the cell. A group of Co's came from the bubble predicating they will use force if Plaintiff did not go into the cell. Plaintiff then asked to talk to a white shirt, three Lieutenants came from the bubble LT Dunkel and LT Younger. Plaintiff then asserted his concerns and why he did not want to go into the cell they predicated "We know who you are chip and dip, or should we say mis Brown".

Plaintiff was forced into the cell. When cuffs came off Co. Plocinik asserted "have in with him, hes a fuck". Allen started to punch Brown "didn't I tell your fuck ass not to come in here?" Brown covered up as Co Plocinik, Co Crowfoot, LT Dunkel and LT Younger was watching cheering "Allen" on in which they did nothing to stop the assault on Brown. Brown brings failure to protect claims against Co Crowfoot, J. Younger, Co. Plocinik and L.T. Dunkel. At the time of the assault all defendants had sufficient knowledge of a risk to Plaintiff to constitute deliberate indifference.

On 2-5-18 Plaintiff came out for showers, he told Co Harris what took place, Harris asserted "get your fuck ass in the shower and stop talking to me". This Co also fail to act. After the shower Plaintiff again told him he did not want to go in the cell in which he asked Brown if he remember the grievance he wrote on him? Plaintiff then asserted yes he told Plaintiff "get your fuck ass back into the cell". Allen also told Harris get him out of cell, I am a liter I will kill him, "I don't like rats. Nevertheless nothing was done. He told Brown force would be used accommodated with a write up. So Plaintiff looks in. Soon after Plaintiff talked to a psychologist through the door Eric Parsons. He told Eric about the assault in which "Allen" encourage because he wanted to get Plaintiff out the cell. He then told Eric he fear for his safety and that he was "suicidal". Eric asserted to Plaintiff "well your still alive". Eric did nothing. "Allen" then came to the door and predicated to Eric "Yo if hes suicidal you got to get him out of here and into camera cell". Eric asserted "he will be just fine". Unit Manager Kendrick then walked up as "Allen" was talking to Eric. He told Kendrick that he would kill Plaintiff if he did not get him out the cell. Kendrick asserted it's over crowded.

Allen turn around and again started to hit Plaintiff in front of Kendrick and Eric. They both walked away from the door, in which they did nothing to remove Brown. Plaintiff also brings claims of failure to protect against both Co Harris and Eric Parsons and Unit Manager Kendrick. Though Plaintiff provided details about the nature of his dispute with inmate "Allen" see 696 F.3d at 369. When Plaintiff meet with Maxwell in which nothing was done. Around 5:00 pm on 2-5-18 Brown called Co Chilcote and told him he had suffered injuries from two assaults at the hand of his cellmate. He asserted I already know the guys was talking about it "as fucked up as it sounds". "Allen" then hit Brown in the face by this time Plaintiff was use to covering up when "Allen" came close to him. "Allen" started to yell at Co Chilcote "get him the fuck out my cell, or he will be sucking my dick pretty soon". Co Chilcote then told "Allen" stop hitting him I got you "their are four inmates that just left to go to population so the cells are open, but for some reason Younger and Dunkel do not like Brown, they want to fuck with him by keeping him in here". He also predicated "I know your about your work; but I can't let anything happen to Brown hold on". Co Chilcote left the door and came back a short time later.

He then told "Allen" the best I can do is move you with your buddy on B pod, "but I had orders from Kendrick and Dunkel that they want to keep Brown in the corner cell". "Allen" then yelled back "Fuck No, I am good here I am at". "But get this fuck out of my fucking cell".

Co Chilcote is not a defendant because he was the only one that attempted to make a move. A short time after a Co Johnson came to the cell door as he was doing his rounds. Plaintiff told Johnson what was going on and that he was aware that there was single cells on the block. Sgt. Ander wall to the door and Plaintiff started to cry out asking him to move him before he suffer more injuries. Ander asserted "Power to the People and let the Gays line on" then he started to laugh. They both walked off with out moving Plaintiff.

When Ander as in, Sgt. Ander did trays that night. "Allan" took Plaintiff's tray, Plaintiff then reached for his tray and "Allan" started to hit him in front of Ander. Ander did nothing and walked off. At this time there was other open cells on the Pod, but officials hurriedly put other inmates in them. In the middle of the night with out warning "Allan" pulled Brown off the top top bunk. Plaintiff then hit his head on the Pull and started to bleed. Before Plaintiff could react, he was getting choked by inmate "Allan" in which he started to predicate "they want me to fuck you" "they want me to fuck you" "they want me to fuck you, that's why they won't move you". He then started to hit Plaintiff over and over. He then attempted to take Brown's jumper off him, but was unable to. It was now a full on fight, Brown had told himse that he would rather die before he would again be a victim of a sexual assault. The ample force from "Allan" over powered Brown. Brown knew in his heart he did not stand a chance but he did not quit.

With God in Plaintiff's corner that night, "Allan" stopped the malicious attack. The next morning Plaintiff was slower then an ESCAR got in which his body was deteriorating from his on going injuries suffered at the hands of the "diabolical Goon". On 2-6-18 in the morning "Allan" told Sgt. Ander and LT Yunker and LT Dunkle that there will be an rape assault if they did not move Brown out his cell. Nevertheless nothing was done. The three actors told "Allan" "go ahead, it would't be the first time". On 2/7/18 Brown again talked to Unit Manager Kendrick telling him in detail what had took place during the night. Again "Allan" was motivating Plaintiff to tell Kendrick because now "Allan" was aware through official actions that they was conspiring to keep Plaintiff in the cell. Kendrick told Plaintiff, there is nothing I can do for you "the next time you come out the cell for showers, just don't look in". Plaintiff is alleging that his constitutional rights were violated when Prison officials failed to protect him from repeated assaults. The Eighth Amendment right against cruel and unusual Punishment imposes on Prison officials a duty "to protect Prisoners from violence at the hands of other Prisoners". Farmer v. Brennan, 511 U.S. 825, 833 (1994)

A Prison official failure to protect a prisoner from inmate violence can make the official liable to the Prisoner under 42 U.S.C. 1983. On 2/7/18 As the warden Kauffman did his rounds, Brown again told Kauffman that one inmate "Allan" attempted to rape him. "Allan" then hurried to the door and told Kauffman "I am going to take his ass if v don't remove this fagitt ass right from my cell". "You know I am a lifer I have nothing loose, I am never going home". Kauffman told Brown, take it up with the Unit Manager. Kauffman then hurriedly walked off with out doing nothing. Later that day, sometime after 4:00pm Brown talked to Co Johnson, told Johnson he was aware of open cells on the unit and that he should be moved, along with Johnson was Co Plocinik, that's when "Allan" started. "I am sick of this shit", he attacked Brown as Johnson & Plocinik ran off. "Allan" then ripped through Brown's Jumper as if it was gold under the Jumper. Brown try to put up a fight but by now he was like a "wounded animal". "Allan" then put Brown's legs over his shoulder and forcedly thrust into Brown with no remorse. "at THIS TIME, PLAINTIFF'S ANCESTORS COULD HERE HIM CRY OUT FOR HELP". "The ample force used caused Brown to start bleeding". "Allan" now in the an hungry wolf, and Brown was "dinner". It was transparent that the hunger was from the cell next door "asserting what are you doing to the poor kid" "you're going to kill him". The diabolical Goon started to hit Brown in the face telling him to "Shunt the Fuck up". Brown was now bleeding from his nose and mouth. "Allan" then put part of Brown's sheet into his mouth with for Apparently Brown had sheets rapped around him when he went to talk to Johnson and Plocinik at the door because he was cold.

anal; it was confirmation that the "brutous", "degrading", "demoting" act was over! Allan then hurriedly got from over Brown and his actions were as if rain wanted to get sexually assaulted "amorous like" asserting to Brown "did you like that boy girl?" The vulnerable Brown slowly got up as he noticed blood all around the crime scene

Inasmuch the court should note officials actions were contrary to Policy. DC-ADM 001. The Department does not permit any inmate to be subject to abuse which includes an occurrence of an unwarranted life-threatening act, verbal or written threat to inflict physical injury directed toward you; and or sexual contact. Inmate are promoted to report abuse verbally or file a grievance see DC-ADM 804. Officials action were also contrary to their Prison Rule Elimination Act (DC-ADM 008) Policy.

Sexual harassment of inmates is prohibited. Sexual harassment is defined as sexual advances, request for sexual favors, or verbal comments, gestures, or actions of derogatory or offensive sexual nature, by one inmate directed towards another. Sexual abuse of inmates are prohibited. Sexual abuse of an inmate by another inmate include any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuses: 1) contact between the penis and the vulva or the penis and the anus, including penetration (however slight) 2) contact between the mouth and the penis, vulva, or anus

Plaintiff started to yelled out the door for help or medical attention. Co. Johnson came back to the door asserting "damn it looks like an animal got slay in here, lot of blood. He then predicated "we know what's going on but Sgt Anders and T. Younder and Dunkel does not want us to move you, but I can let them know your blood is all over the place!" Brown told Co. Johnson again that he had not been raped. Other inmates then started to yell some calling Plaintiff a "rat" and others saying get him out of that cell or he's going to kill him!"

An unknown Co. came to the door asserting "holy shit" "I have nothing to do with this once shit hits the fan, he needs medical attention." Co. Fochtman then came to the door, asserting "It's a boy, no it's a girl, "Allan" you are the father!" Fochtman then predicated, which one of you am I writing up for fighting?" Sgt. Anders wants me to write someone up, so it can look good!

Plaintiff then asserted to Fochtman "You have to move me Allan said he's going to keep sexually assaulting me till you move me." Allan then started to yell out, "You did this, I am the most violent Lifer in this jail, and you refuse to move him!" Co. Fochtman then stated, "WE DO NOT MAKE COURTESY MOVES", "THIS IS NOT THE HILLTON, IT'S HUNTINGDON". This actor then walked off laughing. The court should note this is a camera block and we cameras will be consistent with Plaintiff's claims.

Co. Johnson then came back to the cell door 108 on G-A asserting that Sgt. Anders want Plaintiff to give him everything with blood on it. Heir was bleed along Plaintiff's linen, boxers, sheets, summer even socks. Plaintiff was force to give that to Co. Johnson, Fochtman, & Piacinik. After this, Sgt. Anders came on the block with Co. Fochtman, another inmate called Anders to his cell and Fochtman walked to the cell this inmate was very concern asking "I have been in jail for 10 years I have never seen nothing like this" "Why don't you move the poor" Kied in 108 out the cell with that master, he just got sexually assaulted. Fochtman told this inmate "because he's a rat" then Anders asserted, do you know what happens to rats? They get fucked over and have lots of babies like Brown. Brown called both actors to the door and Allan jumped up asserting "You don't get him out it's going to be a round two tonight!" These actors was standing in the next door over as if they did not want to come to "Allan's" door, they was both laughing. Plaintiff was never moved. See Extension of Exhibit F-1-5.

In the middle of the night sometime around 11:30pm or 12:00am while Plaintiff was at the door frightened to go to sleep

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And suffocating in fear. Allan then started to play with the victim's hair, asking him if he likes it? It was transparent that the "wolf" was hungry again and again Brown would be food. "Allan grabbed Brown by his long hair with ample force; he briefly looked at Brown, predicating, "tonight's your night" then started to hit Brown in the back around his ribs. Brown was knocked over the toilet bending him over with his face in the toilet. Brown then started to cry out "I can't breathe" "I can't breathe" "Stop, let me be." Again Brown head was put into the toilet both of Brown's hands were bent then force behind him as if he was getting cuffed. After Brown's hand was restr head in the toilet, "Allan" trusted into Brown. As the trusting continued Brown can feel it in his stomach.

The next day now 2/8/18 Co Hariss and Co Garlik and Co Myers of Hunting after Plaintiff let these officials know what took place. Another inmate told Garlik "Yad got to let him out for showers. Once Plaintiff was let out for showers again, he told Garlik, Hariss and Myers. Plaintiff then refused to lock in and he was written up by Myers of Hunting. Plaintiff also brings failure to protect claims against Co. Fechtman. To establish liability for a failure-to-protect claim, a Plaintiff must show (i) that the Plaintiff was "incarcerated under conditions posing a substantial risk of serious harm" that the Prison officials was deliberately indifferent to that risk, and that the deliberate indifference resulted in harm to the Plaintiff. Farmer, 511 U.S. at 834; Bistran v. Levi, 696 F.3d 352, 367 (3d Cir 2012). Plaintiff wrote grievances pursuant to the subject matter see Exhibit I-5 Grievance # 733758 and Exhibit I-6 Grievance # 733719 and Exhibit I-13.

Who will guard the guards themselves?

Count II Excessive Force

The management by a few guards of large numbers of prisoners, not usually the most gentle or frangible, of men and women, may require and justify the occasional use of a degree of intentional force. Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates a prisoner's constitutional rights. In determining whether the constitutional line has been crossed, a court must look to such factors as the need for the application of force, the relationship between the need and the amount of force that was used, the extent of injury inflicted, and whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm. Haines v. Kerner, 404 U.S. 519 520-521 92 S.Ct. 590 306 Ed.2d 652 (1971).

On 9-15-17 Plaintiff wrote a grievance pursuant to Sgt Zimmerment using abusive language. A day later a inmate came up to Plaintiff predicating that he was in cell 101 by the grievance box and he seen Zimmerment fishing Brown's grievance out the grievance box with a stick with tape on the end. Inmate "John" then asked Zimmerment what he was doing? Zimmerment walked to cell 101 asserting "don't worry it's just Brown's grievance." Brown confronted Zimmerment, he then told Brown to lock in. A black worker came to Brown and told him that Zimmerment had asked him for a tape and a stick. The black worker John and Plaintiff went to an unknown LT. after dinner and told him Zimmerment actions on 9-18-17 Brown was called for clothing exchange; he was told to go in a back room, after Plaintiff enter the room sat. Tommy Co. Myers and Sgt. Zimmerment come Plaintiff and started to assault him. Sgt. Zimmerment pulled Plaintiff's hair; Plaintiff then walked into a punch from Tommy; he was then kicked in the back by Myers. Plaintiff the feel and all three actors started to hit and kick Plaintiff. Plaintiff was then cuffed and again knee by Myers, and hit by Zimmerment. After this Plaintiff was threatening with hole time if he did not go to his cell and clean up. He would go to the hole. Brown suffered contusions to the eye and bruise ribs from the assault. On 9-28-17 it was make up hair cut day. Plaintiff walked up to Sgt. Tommy asking if he could get a "shape up." Tommy told Plaintiff to go to the yard and to stop talking to him. Plaintiff then asked Tommy why he could not get a hair shape up? Tommy asserted "because we don't like you" "You like filing grievances and telling on Co's." Tommy then started to yell at Brown. At this time Plaintiff try walking to the yard, Tommy asserted "go to your cell and lock in." Plaintiff then asked what did he do wrong and why? Tommy asserted "go to your cell, it's your home." "go home". Plaintiff turned around and started to walk to his cell. Tommy started to follow Plaintiff. As Plaintiff walked up the

Stairs he was cornered by Co Myers. This Co stated to yell at Plaintiff saying "get in your fucking cell" Plaintiff asserted that's what they were doing; he was grabbed by Myers Slammed on the gate and then Slammed into the cell. Plaintiff then put his hand out and Myers Slammed his hand on the gate. Plaintiff suffered a deep cut on his hand and was left bleeding. Plaintiff is bringing Excessive Force claims against Sgt Tombly, Sgt Zimmermann, and Co Myers for their action pursuant to the assault that took place in the back room on 9-18-17, and for Myers actions on 9-28-17.

The Court must determine whether the evidence goes beyond a mere dispute over the reasonableness of a particular use of force or the existence of arguably superior alternatives. *Hesseltesser v. Reilly* 440 F.2d 906 (9th Cir. 1971). The factors the court considers when evaluating whether the use of force could plausibly have been thought necessary, or instead evinced such wantonness with respect to the unjustified infliction of harm, is tantamount to a knowing willingness that it occur include: the need for force; the correlation between the need for force and the amount of force used; the extent of the injury; the threat to the safety of staff and inmates; as reasonably perceived by the responsible officials on the basis of the facts known to them; and any attempt to temper the severity of the response. See *Whitley v. Albers* 413 U.S. 312 89 L Ed 2d 251 106 S.Ct 1079 (1976).

On 2-25-18 Plaintiff was taken to the property room for a property exchange. He was cornered by Co Plocinik and LT Eberling. This LT started to ask Brown about sexual assault allegations with a smug on his face, before Brown could respond Brown was hit with an elbow to the back. Plaintiff then fell on or to his knees and seemed the same actor swinging a mace can. Plaintiff was hit in the face by Co Plocinik with the can. While Plaintiff was cuffed he was then kicked by LT Eberling in the stomach as if he was a soccer ball. Brown then started to spit out blood all over the ground. LT Eberling asserted "you got blood on my nice boots" as if he was a narcissistic. This actor appetite for violence was apparent when he hit Plaintiff across the face and then started to call him a "homosexual". Co Plocinik then asked Plaintiff, are you going to stop writing grievances on staff members? Brown asserted yes. LT Eberling then walked away and Co Plocinik asked Plaintiff to get up. As Plaintiff was getting up he was then kicked by Co Plocinik in his ribs, because Brown was cuffed he was now on his side in pain. Brown then asserted "your going down for this." Co Plocinik asserted, "there are no cameras back here, this is where I come to put shit in your food!" The scrupulously vulgar assertion was followed up with this Co, "grapping Plaintiff's balls and predicating say I like big fat white dicks!" Plaintiff then yelled "you Buffoon!" This actor then released Plaintiff's balls and asserted "I hate homosexuals!"

Plaintiff then wrote a grievance that was never responded to see Exhibit 1-3. When a prisoner, having been warned three times, refuses to comply with a legitimate jail security regulation, the incident has escalated into a disturbance that indisputably poses significant risks to the safety of inmates and prison staff" *Whitley*, 413 U.S. at 320. This was not the case; this was not a disturbance, and force was not applied in a good faith effort to maintain or restore discipline, it was applied maliciously and sadistically for the very purpose of causing harm *Johnson v. Glick*, 481 F.2d 1028, 1033 (2d Cir). Brown is bringing claims of Excessive Force against both LT Eberling and Co Plocinik.

Count III Retaliation:

First Amendment Retaliation against a prisoner for the exercise of his constitutional rights is unconstitutional. See *Mitchell v. Horn*, 318 F.3d 523, 529-31 (3d Cir 2003); *Zakser v. Horn*, 241 F.3d 330, 333-34 (3d Cir 2001).

On 9-18-17 Plaintiff confronted one Sgt. Zimmerment pursuant to a grievance he wrote, after a inmate "John" made Plaintiff aware he witness the Sgt. Fish Plaintiff's grievance out the grievance box. Zimmerment then told Plaintiff to lock in. Brown then went to an unknown Lieutenant and made him aware of Zimmerment's actions. On 9-18-17 Plaintiff was called for clothing exchange and he was told to go in a back room were the inmate workers get the clothing exchange. while in the room Sgt. Zimmerment was one of the actors that cornered Plaintiff. Sgt. Zimmerment then hit Plaintiff in the face and pulled his hair after Plaintiff feel Zimmerment was one of the actors kicking Plaintiff and calling him a rat.

On 9-20-17 Plaintiff made Sgt. Zimmerment aware of a brutal rape while at the law library in which Plaintiff was the victim. Sgt. Zimmerment did nothing. This actor also threatened that him and another "Co Myers" had made a bet that Plaintiff would get "his ass took" before leaving the Hill. In which he stated "I guess we was right". Plaintiff then asked Zimmerment to remove him from the cell. He also told Zimmerment that he fear for his life. Zimmerment asserted "Stop making and go get fucked again". Plaintiff was again sexually assaulted by his cellmate. Zimmerment actions clearly showed retaliation in which Plaintiff brings the first Amendment claims against.

Plaintiff also bring these claims against defendants Tombly and Co Myers. On 9-19-17 Plaintiff entered the back room wear inmate workers go get clothing for a once a week clothing exchange. Sgt. Tombly and Co Myers was two of the three actors that cornered Plaintiff. Plaintiff then walked into a punch from Sgt. Tombly, he was then kicked in the back by Co Myers. After he fell to the ground both defendants started to kick and hit him causing him confusions and pain. The reason he was because Plaintiff wrote a grievance on Sgt. Zimmerment.

Plaintiff then had another encounter with both actors on 9-28-17. It was make up hair cut day and Plaintiff asked Sgt. Tombly if he could get his hair shaped around. Tombly assaulted to Plaintiff "go to the fucking yard and stop talking to me rat!" Plaintiff then asked Sgt. Tombly why he was mad at him and why he couldn't get a make up hair cut if he was at school during like filing grievances and talking on staff members. Your going to have a very hard time up here doing that, this is not the county jail, this is the high boys house". Tombly then started to yell at Brown: at this time Plaintiff attempted to walk to the yard. "Tombly asserted "go to your cell and lock the fuck in". Plaintiff then asked Sgt. Tombly if he did something wrong? Plaintiff then turned around and started to walk towards his cell as Tombly started to follow him. As Plaintiff started to walk up the stairs, he was cornered by Co Myers. "This Co also started to yell "get in your fucking cell" "It's your fucking home!" This Co then grabbed Brown and slammed him into the cell then slammed the gate in which Plaintiff found was caught on the gate. Plaintiff suffered a cut on his hand from the attack. Brown brings claims of retaliation against both defendants. See Exhibit M write up and statement

To state a claim for retaliation, a Plaintiff must allege that 1) he was engaged in constitutionally protected conduct, 2) he suffered some "adverse action" at the hands of the prison officials, and 3) his constitutionally protected conduct was a substantial or motivating factor in the decision to take their action. See Allan v. Seiverling, 229 F.3d 220, 224-26 (3d Cir 2000). On 09-28-17 Plaintiff met with an Lieutenant Gildea after the strip rape. Plaintiff made this Lieutenant aware that he was a homosexual and it was also transparent that Plaintiff has feminine characteristics in which he sounds like a girl and switch his hips when he walks. Plaintiff made Lieutenant Gildea aware of his concerns of being housed with other inmates. He made it clear that he might be a target. Nevertheless his request was denied to be housed alone, as "Gildea" asserted, "we don't accommodate fags" "Law Suit Man". Plaintiff then told Gildea he was bleeding from the hand from his hand being slammed on the gate. Gildea told Plaintiff, "Camp Hill is not the place to act up" "You need to read on our history, we don't give a fuck about gay rights" "or your damn ass lawsuits".

As this actor was looking Plaintiff into his newly constructed cell, Brown asserted "don't call me gay" "my name is Gildea cut Plaintiff off" "shut the fuck up. Your name is what ever I say it is!" Gildea then asserted Brown would go to a different cell sense he wanted to be a smart ass. Plaintiff was muddled at this point that's when Gildea asserted "I am telling you up with Strong!" "He is from Vermont" "he was a four times wrestling champ in high school. He is in jail for raping a bitch and he has a history of assaults and sexual assaults on inmates." "As a matter of fact he has 12 A2 assaults on other inmates".

Plaintiff was clearly put into the cell with this Gonn out of retaliation. On 10-1-17 when Brown came back to the cell, "Strong" made Brown aware that T. Gildea came to the cell and told him that Brown was gay and a rat. Brown then suffered a brutal sexual assault at the hand of "Strong" who was motivated in what LT. Gildea had just told him about Brown. LT. Gildea then came to the cell door with another Co during the assault. He then asserted "Yall don't get pissed on my sheets" At no point did Gildea attempted to stop the sexual assault on Plaintiff. Brown then had a chance to confront Gildea Pursuant to the sexual assault. He told Brown to stop ratting, and that he was glad to see it go down. Nothing was done to remove Brown from the cell.

On 10-2-17 Plaintiff made Co. Sposito aware that he seen him at the door with Lieutenant Gildea when he was getting sexually assaulted. Sposito then asserted "that's why we put you in there!" Plaintiff then begged Sposito to be remove from the cell. He asserted "Strong" is not done with you! "If he wants you moved he will let us know!" Brown was then assaulted and sexually assaulted 29 days later because Co. Sposito failed to remove him from the cell. The next chance Brown got to talk to Co. Sposito, he told Brown he did not like him because he was a "homosexual, and a big fat rat". Sposito actions were motivated by one T. Gildea and also because he thought Brown was a rat and a homosexual. Co Sposito actions showed retaliation.

Brown brings claims of retaliation against Co Harris and D.L. Hill Jr. On 10-10-17 a visual cavity search was conducted by Co. Harris. Plaintiff told Co Harris he was a homosexual, he asserted "I can tell but you would still have to strip before you leave the cell it's policy!" he asked Brown to take off his clothing. He then told Brown to turn and bent over to show his cellmate his anal cavity, his reason being, "I know how you fags are" "Strong" look and make sure nothing's hiding in there for me! Plaintiff was force to bent over so his cellmate could look in his anal cavity. Co Harris asserted he did this because Plaintiff was a fagit. This was clearly a motivating factor in which Brown suffered a sexual assault at the hand of his cellmate the same day. Co. D.L. Hill Jr. also conducted

Search in front of Brown's cellmate at no time did this Co ask Brown cellmate to turn around. Both Co Harris and D.L. Hill Jr. then conspired to deprive Brown for showers and recreation while in the B14 room 9-29-17 through 10-21-17. They also deprived Brown of his trays because Brown was labeled a rat. On 10-10-17 Brown was deprived of his tray by Co Harris. On 10-11-17 he was deprived his tray and shower by D.L. Hill Jr. On 10-13-17 Brown was deprived his tray by Co Harris in which he stated "fagits do not eat while in the hole at Camp Hill". Brown was deprived his trays on 10-14-17 and 10-15-17 by D.L. Hill Jr. At no time did the two actors let Brown go out for yard.

Plaintiff also brings claims of Retaliation against Sgt. Leleux, LT. Frances and Superintendent Harry from Camp Hill. Plaintiff was subject to an assault by his cellmate Willson after Sgt. Leleux told Willson that Plaintiff was a rat and gay although it was apparent to Willson by Plaintiff's feminine characteristics. Plaintiff first meeting with Leleux was pursuant to his ID card in which he was charged on his account for a Knew Card even though he already had one. Plaintiff and Sgt. Leleux started to argue and another unknown Co stepped in and started to yell at Plaintiff, that's when Leleux called Plaintiff a rat. So on 11-1-17 when Plaintiff came back from dinner "Willson asserted that Leleux had told him he was rated ~~the RTHU~~ and he was a rat, it was something he seen before. Plaintiff went to the bubble asserting to Leleux that his cellmate wanted him out the cell and he was in danger; also that his cellmate had read some paper work in which was under Plaintiff's bed while Plaintiff was at dinner pursuant to sexual assault allegations. Leleux then walked to Plaintiff's cell and told Willson, "the only way Brown is leaving this cell is in a body bag". Fuck him up if you

Plaintiff was again assaulted by Willson and this time Leleux failed to even send Plaintiff to medical. See Exhibit N1-2 Statements from inmates that was on the unit. On 11-1-17, Superintendent Harry was called to P-block or she was doing her rounds, walking around the Jail in which is a Policy. Plaintiff told Miss Harry what "Willson" had told him Pursuant to get Plaintiff out his cell.

Also that he was aware that Plaintiff was a rape victim. "Willson then started to assert to Miss Harry and a LT, Smith "Yall Put him some wear eals, there is an empty Cell, Put him in there!" Harry asserted, he's not a Z-code. "I don't care what you do to him!" "Willson started to yell" "I want you to send him to medical with his shirt open!" Plaintiff then asked Harry why don't they just put him in the single cell doors down? She asserted "because you told Huntington that our officials had something to do with you getting raped!" After she walked off Leleux put Plaintiff back into the cell in which he was subject to an assault.

Harry's actions clearly showed retaliation. On 11-1-17 Plaintiff was sent to medical in which he met with doctors and a LT. Frances. Frances had come down with Superintendent Harry as Plaintiff was talking to medical personnel. He asserted to LT. Frances who he knew, Frances Predicated "Everybody know who you are miss Brown!" Plaintiff then made Frances aware that he was just assaulted in which was also apparent because he was still bleeding from his nose and blood was all over Plaintiff as well as dropping down to the floor. Plaintiff was asked to sit in the hallway and could hear Frances in the room next door. "The rat is bleeding all over the place if we treat him he's still going to tell, let's send him back to the Unit like we do every other rat." Frances then came out and told Plaintiff to go back to P-block, that there was nothing they could do for him because he told "Brown was forced back to P-Block and suffered another assault at the hand of his cellmate

While at SCI Camp Hill for classification reasons it's a Policy that new D.O.C. inmates shower three times a week, in which every shower is only two minutes long. Because of this inmates are told to put their soap on in the cell and walk to the shower nicket when directed. On 8/18/17 Plaintiff talked to Sgt. Zimmerment in Pursuants to females conducting the showers in which females officials watch the nicket male inmates because they sometimes conduct the showers. Sgt. Zimmerment asserted to Plaintiff, "this is jail!" Plaintiff then asserted to Sgt. Smith one of the females that conduct these showers. He told Smith he was concerned that though it was just female should not be permitted to view nicket male inmates. Sgt. Smith looked Plaintiff in for two days. She also told Plaintiff "Sure me I got a good lawyer!"

After the two day lock in, on 9-1-17 Brown was sent to a shower that officials was aware the hinges was broken in which the door stayed open as you show the shower was conducted by Sgt. Smith, Co. Clame, and Co. Jones in which are all females. Brown again asserted his concern to Sgt. Smith that ~~female~~ ^{female} could not conduct the showers if inmates are forced to walk nicket to the shower. Plaintiff also asserted his concerns that she had send him to the shower with the broken hinges in which the door stayed open out of retaliation. Plaintiff also predicated that this practice having inmates walk to the showers nicket was contrary to Policy. She asserted we make inmates put soap on their body while in the cell because the showers are only two minutes at the time. Sgt. Smith again locked Plaintiff in his cell for two days. On 9-7-17 Sgt. Smith again forced Plaintiff to the shower with the broken hinges in which the door stays open. Plaintiff was again view and watched by female Co's Jones and Sgt. Smith.

Plaintiff then wrote a grievance on 9-8-17 Pursuant to the showers Sgt. Smith came to Plaintiff's cell on 9-9-17 sent him to cell and deprived him from going to dinner that day and the next day because he wrote a grievance. On 9-10-17 Sgt. Smith again send Plaintiff to the shower with the broken hinges in full view of Co. Clame and Sgt. Smith as in showered. See Exhibit O1-2. Plaintiff could not respond to the initial review response because he was in the RHD, once Plaintiff got out he resigned and did not get a response because he was transferred to SCI Huntington. Plaintiff brings retaliation claims against Sgt. Smith for her actions. Plaintiff suffered adverse actions from Sgt. Smith for exercising his constitutional rights. See Bistrion V. LEVI 646 F.3d 352, 375, 2012 U.S. App. LEXIS 19473, 51 82 ALR 689. Defendant actions caused Plaintiff intentional infliction of emotional distress.

On 10-25-17 Plaintiff met with Lt. Maxwell the P.R.E. A little while later he met with Mandy Sipple at the time she was a P.R.E. A. Personnel. Plaintiff testified that he had been a rape victim while at Camp Hill in the R.I.U. Plaintiff testified that he was a homosexual and that he would be concerned pursuant to his safety with in SCI Huntington. Maxwell asserted he use to work at Camp Hill and that he had alot of friends still working there. This was 11-13-17, Maxwell also asserted his friends was under alot of heat because of Plaintiff's sexual assault claim.

Plaintiff was then called a "Whistle Blower" that don't deserve to live by Maxwell Sipple then predicted "I agreed with him." Sipple then told Plaintiff they did not require he be accommodated with a single cell because or just because he is a homosexual or a rape victim. Both actors then started to ask Plaintiff about lawsuits he had pending that he never spoke with Maxwell and Sipple about. Then told Brown "People with lawsuits have a hard time in this jail. Plaintiff then asked Sipple and Maxwell for a single cell they asserted that's not how it works, that every 30 days a vote sheet goes around to that Inmate Counselor, P.R.C., P.R.T., and Kauffman Pursuer. 'Z code' All these Policy makers would vote an inmate to Z code / single cell or vote against that inmate denigrating him Z-code.

They then asserted they will not be voting for Plaintiff for Z-code because he is a "Whistle Blower" that likes to file law suits. Plaintiff told both officials that he had just came back from Camp Hill, for which he had to talk to State Police, and that he suffered an assault in which his cellmate broke his nose because he was aware Plaintiff was a rape victim and a homosexual. Plaintiff's actions made it clear that he did not want to cell up with a homosexual. Plaintiff asserted because of his feminine characteristics "wearing eye liner, loud sounds like a girl when talking, switch his hips when walking" and the fact that he was only 120 pounds and looked as if he was 16 years old would make him a target.

Sipple asserted to Plaintiff "You can't have your cake and eat it too!" it seems to me you're trying to attract men, so don't scream rape!" Maxwell told Plaintiff "Whistle Blower" "You will be getting a cell, if you refuse then the R.I.U. will be your home" Both officials though aware that Brown was a victim and had a history of getting assaulted and sexually assaulted, they denied him Z-code single cell, because he was a "Whistle Blower" that he to suit people. There is a clear link between both defendants denigrating Plaintiff's Z-code single cell and the rape assault he suffered at SCI Huntington.

Officials would had never put Brown in a cell with another inmate, then or Brown would had never suffered another rape assault at the hands of inmate "Allen". Defendants actions was motivated by retaliation. Plaintiff was then forced to sign a double bunking sheet, in front of both Maxwell and Sipple in which he refused. Security officials and Maxwell threaten Plaintiff with force so Plaintiff wrote the statement asserting he was being force to write and that he was ok going to Population.

Plaintiff again met with Lt. Maxwell and Sipple on and before 1-14-18 he told both defendants he was having mental issues and that his cellmate keep asking him if he was gay, because a Co-Kovach had slit him a mail pursuant to Plaintiff's sexual assault claims, also that he fear for his safety. Their response was "Stop wearing eye liner." And stop "Whistle Blowing". Plaintiff was subject to another assault by his cellmate inmate "Jackson" both Jackson and his friend "Allen" forced Brown to call a family member for \$300.00 of another inmate's account. In which Jackson put a knife to Plaintiff's neck asserting "if you tell, I will kill all you". Plaintiff met with both defendants again and told them what happened. He again asked to be put into a single cell in which he was denied.

Plaintiff again met with Maxwell and Sipple while in the R.I.U. He told both defendants that officials asserted to him that he would be celling up with inmate "Allen". Maxwell asserted who? "The one that tried to rape another inmate, and is currently in the R.I.U. for slapping an inmate over cookies". Brown said yes his inmate "Jackson" friend. That's when Maxwell asserted "drop your P.R.E.A. claim against my friends and we will get you a single cell." Plaintiff was later sexually assaulted by inmate "Allen".

Retaliation against a prisoner for the exercise of his Constitutional rights is unconstitutional see *Alian v. Seiverling*, 229 F.3d 220-224-26/3d cir 2005. To state a claim for retaliation, a Plaintiff must allege that (1) he was engaged in Constitutionally Protected conduct (2) "he suffered some adverse action" at the hands of the prison officials and (3) his Constitutionally Protected conduct was a substantial or substantial or motivating factor in the decision to take that action. *Rausser* 201 F.3d at 335.

Both LT. House and LT. Eberling also retaliated against Brown. Both House and Eberling are high ranking security officials, who forced Plaintiff to write a statement in which Plaintiff made it clear that he did not know if he had enemies in Population; that he would go to Population with the acknowledged quest that he could be accommodated with single cell z-code. Both actors while in front of Maxwell and Sipple asserted "You are going to do what we want you do or force will be used". We will leave you in the R.H.I. deprive you of your mail and phone calls. We know you got alot of law suits. They also asserted they would put in with a cellmate that's going to have his way with Plaintiff, and his C.O's fuck with Plaintiff if he did not sign the double bunking.

Plaintiff signed the sheet and was put in Population. Plaintiff then wrote a grievance in Pursuants to what happened. Plaintiff was taken out of the single cell and was told he was getting a cellmate because he wrote the grievance on LT. House and LT. Eberling. That same day Plaintiff was to meet with a member of (P.B.T) Miss Cousin in Pursuants to his Psychological symptoms he was having, which he was denied. Plaintiff then refused to take a cellmate and was sent to the R.H.I. See Exhibit P1-3. Plaintiff told Officer he was having Psychological symptoms from being raped it was put down as a refusal. This was on 12-1-17.

Plaintiff was then put in a cold cell naked with temperature so extreme he suffered frostbites and had symptoms of hypothermia. The actors that put him in the cell were both House and Eberling. This custom is so common it has a nickname "bluesing" or "being bluesed." Plaintiff made his concerns made to a C.O. Harris while he was at his cell door. This C.O. stated "did you write a grievance on a LT. House and LT. Eberling?" Plaintiff asserted "ye the C.O. asserted "that's why your freezing your black ass off with no clothes. Harris then predicated that both House and Eberling told him and LT. Snyder that he should not be let out for yard or showers, and should be deprived of his legal mail in which the Unit Manager Kendrick had already wrote down on paper."

Plaintiff was taken out the cold cell after days of freezing by LT. Eberling, Kauffman and LT. House and put into a cell smear with feces in which another inmate had just been. C.O. Plaintiff asserted to Kauffman, Eberling and House that he could not breathe from the mist of C.O. and that the feces was all over the floor and wall, toilet, table, sink. Kauffman and House then asserted "Whistle Blowing rats" will not get their way at SCT Huntardon. Plaintiff then repeatedly begged LT. Dunkel, LT. Snyder, and Kendrick to remove him from the cell, but nothing was done. Plaintiff clearly suffered adverse action at the hands of House and Eberling for exercising his constitutional rights. See Fuentes v. Wagner, 206 F. 3d 335 (3d Cir 2000) See Exhibit P1-4 and Exhibit P1-5 and Exhibit P1-7.

Plaintiff again meet with House and Eberling on 12-11-17 Plaintiff made both defendants aware that he was not getting trays, his legal mail, and the cell in which they had put him in was still full with feces and that he was being harassed by officials and his mental state was deteriorating, and the lack of medical treatment was causing his injuries to worsen. They told Plaintiff "You are not from this country, the Constitution does not apply to you." "Go back to your stinky assce" On 12-25-17 Plaintiff was taken to the Property room for Property exchange. He was cornered by LT. Eberling with the help of another C.O. LT. Eberling started to ask Plaintiff about his sexual assault allegations with a smirk on his face before Brown could respond he was hit with an elbow to the back. Plaintiff then fell to his knees. Plaintiff was then hit in the face with a mace can while he was then kicked by LT. Eberling in the stomach as if he was a "soccer ball." Plaintiff then started to spit out blood all over the ground. LT. Eberling asserted "You got blood on my nice boots" as if he was a narcissistic. This act of appetite for violence was apparent when he hit Plaintiff again across the face and then started to call him a "homosexual nigger."

C.O. Harris retaliated against Brown on 12-1-17 through 12-23-17 while Plaintiff was in the R.H.I. Plaintiff was put in a cold cell naked with temperature so extreme he suffered frostbites and had symptoms of hypothermia. Plaintiff made his concerns aware through C.O. Harris while he was at Plaintiff's cell door. This C.O. stated "did you write a grievance on an LT. House and LT. Eberling?" Plaintiff asserted that he had wrote a grievance on both actors Pursuant to forcing him to sign some Paperwork. This C.O. then predicated "that's why we are freezing your black ass!" This actor also mention that House and Eberling told him and LT. Snyder that he should not be let out for yard or showers, and

and should also be deprived of his legal mail, in which Unit Manager Kendrick had already wrote down. Plaintiff was deprived of showers, yard and his legal mail by this C.O. while in the R.H.U. On 12-13-17 Plaintiff was taken to the property room after he hear telling officials he was with out any property for two weeks. He was asked to sign for his property by Co. Hariss. Brown refused because he did not look like all his property and he was told he could not look through his property. It was clear that Plaintiff was missing property most of which was legal papers. That's when Co. Hariss asserted "Your lucky your getting anything, we know you raped after you was raped at camp Hill; and then you come here filing grievances in our staff members." "Security already told us not to give you shit, by the way all your legal mail are going to other inmate you fucking rat." Plaintiff was then taken back to his cell with out any property or legal work. Plaintiff again make Co. Hariss aware he had a motion due in the courts pursuant to his civil case he had pending, but nothing was done.

Co. Hariss again called Plaintiff a rat. Plaintiff then asserted to Hariss that he was in a cell with feces everywhere that he would need a cleaning bucket or a should he removed from the cell, he asserted "they want you in that cell". See Exhibit S 1-5. Co. Hariss depriving Plaintiff of his property hurt his case in which he could not respond to an appeal motion. Although Plaintiff did bring failure to protect claims against Co. Hariss, on 2-5-18 he made Co. Hariss aware that he was sexually assaulted while in the cell by his cellmate "Allen" and that officials did nothing to remove him from the cell, and that he fear for his safety. He told Hariss all of this when Hariss let him out for showers. Hariss respond was "got your gay ass in the shower and stop talking to me". Hariss then asked Plaintiff if he remember the grievance he wrote on him. After the shower Plaintiff again asserted to Hariss that he did not want to go back in the cell, he again respond "let your gay ass in that cell", "or force will be use".

On 12-29-17 Plaintiff made his concerns be known to a block C.O. name Kovach that he fear for his safety. Plaintiff asserted that his cellmate Jackson was asking if he was gay and was making fun of the fact he was wearing eye linder. On 1-7-18 Plaintiff got in a verbal argument with Kovach in which this C.O. then called him a fagit. Plaintiff then called the P.R.E.A. hot line and wrote a grievance pursuant to what took place on 1-7-18. On 1-13-18 Co. Kovach had slipped inmate Jackson personal mail of Brown pursuant to his sexual assault claims at camp Hill. He also told Jackson that Brown was cooperating with the law pursuant to him being raped at camp Hill. Inmate Jackson then told a friend that Plaintiff was a rat and a rape victim. That friend name was "Allen".

Jackson then give inmate Allen a grievance responds from camp Hill that was given to him by C.O. Kovach. Inmate Allen then made copies and passed it to other inmates. Plaintiff was then forced to call a family member from another inmate's account asking for money. That family friend send over \$300.00 to both "Jackson" and "Allen". Inmate Jackson then put a shank to the neck of Plaintiff, asserting "if you tell I'll kill your gay ass". On 1-15-18 Plaintiff was assaulted by inmate "Jackson". Brown made C.O. Kovach aware and a Sgt. M.T. Aurano. C.O. Kovach told Plaintiff "that's what you get fucking rat, now get away from my desk before I wrote you up." Sgt. Aurano told Kovach "we have to send him to medical, he's bleeding bad." Kovach predicted "if we do that, they will make a big deal you now he's got all them lawsuits." Brown was deprived medical attention out of retaliation. Kovach actions clearly showed retaliation. He called Brown a fagit, after Brown called the P.R.E.A. hot line and wrote a grievance, this C.O. then passed out Brown legal papers to inmate Jackson. Kovach actions had a link to Plaintiff getting assaulted.

On 12-1-17 Unit Manager Kendrick wrote down on paper directing Hill officials like Hariss, Weyant, Placnik, Garlik to deprive Plaintiff of shower's recreation, legal papers and mail. Plaintiff made Kendrick aware that he was in the middle of fighting multiple civil cases and had a criminal case pending in the courts of appeals. Plaintiff made Kendrick aware that by depriving him his legal papers was hurting his cases. Kendrick asserted "you should had never wrote grievance on my friends, we don't accommodate rats." Plaintiff was deprived of his legal papers from 12-1-17 through 12-23-17. When Plaintiff was going out the Hill Kendrick asserted "by the way alot of your legal papers went in the trash, next time you will think hard before writing a grievance."

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to respond to motions pursuant to two case during that time. Plaintiff next meet with Unit Manager Kendrick during his next trip to the R.H.U. or right before.
while in the camera cell on 1-21-18 Plaintiff made Kendrick aware that he was having some mental issues that was not being addressed by officials. He asserted to Brown "it's hard being Gay these days." Brown also asserted to Kendrick all that took place at Camp Hill and the fact that he was a homosexual that he had also been a target at SCI Huntingdon. That his last cellmate had just assaulted him. Mr. Kendrick then asserted "Kill yourself maybe you will go to homosexual HELL!"

Plaintiff again meet with Unit Manager Kendrick and other officials weeks later. He told Kendrick that he was subject to harrasment on the way to Maxwell's Office. He asserted to Kendrick that he is aware he dose or a Prove to moves while in the R.H.U. in which he asked Kendrick if he approved Brown to move in with one "Inmate Allen?" Kendrick asserted Yes. Brown then made Kendrick aware that it was "Allen" and his cellmate Jackson that was extorting him while on A-A and that him and "Allen" was enemies and that he had already written a grievance pursuant to what happened see Exhibit D1-3. Brown was very concern because Allen had a violent inmate, a lifer with nothing to loose. He was in the hole for stabbing an inmate over cookies. Mr. Kendrick then asserted "I do not care for homosexuals, you will go in the cell you are assign to or O.C. Will be used, the good stuff!"

Brown next meeting with Mr. Kendrick was while Plaintiff was now in the cell with a "Cold hearted Goon" "Allen". On 2-5-18 while Allen was talking to one Eric Parsons a Unit Psychologist through the door after Brown had asserted he was suicidal. Unit Manager Kendrick walked to the door. Allen demened to Kendrick that he would "Kill Brown" if he did not get Brown out the cell. he made it clear that he did not want to be cellie with Brown. Kendrick asserted "it's Over Crowded". Inmate Allen was triggered by what he heard, and jump around and again started to assault Brown with amere force. At the time both Kendrick and Mr. Parsons was still at the door. Kendrick did nothing to remove Brown from the cell. That same nig Brown suffered more injuries when "Allen" attempted to take him from his bed and rape him.

Plaintiff next meeting with Unit Manager Kendrick was on 2-7-2018 asserting in details what had took place during the night, in which Inmate Allen was motivating Plaintiff to tell Kendrick because now he was aware through officiale actions, that they was conspiring to keep Brown in the cell. Kendrick told Brown there was nothing he could do for him because he was a homosexual. He then asserted all I can tell you is the next time they let you out the cell for shoppers, Kendrick's actions was contrary to Prison Rape Elimination Act (PREA-ADM 008), because he told Brown he did not like "rat's or homosexuals". Brown suffered a rape assault that same day and that night at the hand of his cellie.

Brown next meeting with Unit Manager Kendrick was on 2-9-18. Brown asserted he'd suffered two rape assault at the hands of "Allen" and that he was denied medical attention and sick call requests. He also asserted that he refused to lock in on 2-8-18 and officials wrote him up even though aware he had suffered a brutal rape assault. Kendrick assert "You Fucking Rat, you got the black batter then the Ozone layer!" he then walked off. Plaintiff again meet with Mr. Kendrick on 2-13-18. Kendrick asked Brown about a grievance he wrote see Exhibit F1-2, he seemed very angry. He then started to threaten Brown asserting "If you do not stop while Blawing and writing grievances down here, all your legal Property will go missing!" "I will make sure every staff member you are telling on work down here, so they can put shit in your food and fuck with your Mail and harass you!"

Brown got in an argument with him and he asserted to Brown "This is my Jail, and my Unit just remember that!" He then walked off. During Brown's next meeting with Kendrick, he made him aware that he had a Property exchange he was missing almost two boxes of legal work and Exhibits. He also asserted that he was sending out Certified mail and was not getting his receipt back, and his legal mail stated coming in. see Exhibit I1-6 and Exhibit U1-6. Plaintiff also asserted that officials was putting the grievances in the Mail box then coming back days later and harassing him in which his grievances was not getting addressed. see Exhibit V1-6 also Exhibit W1-6. Unit Manager Kendrick asserted "I told you this is my Unit you fucking rat, why don't you Kill yourself?"

150 Brown again met with Unit Manager Kendrick on 3-21-18 and 4-18-18 for denying or refusing to go to Population. Brown told Kendrick that the write ups were out of retaliation because officials as well as inmates were aware of the claims against inmate "Allen" staff members and inmate "Jackson" as well as he was getting death threats from a inmate name "Murdock", "Rock", "Killer" all members of Allen's gang in which these inmates has a history of violence. Brown was also getting death threats from inmates he did not even know. Kendrick asserted to Brown "we are going to keep writing you up until you go to Population, and we are going to put your rat ass on the same block with Allen!" See Exhibit W 1-95

Brown also brings claims of retaliation against Kevin Kauffman. Plaintiff met with Kauffman and other officials in which he told Kauffman he was subject to harassment from other inmates after a Co. Kovach slipped inmate Jackson his cellmate at the time a mail in which was personal at the time alleging sexual assault allegations while Plaintiff was at Camp Hill. Kauffman told Brown, "you should had never left the house his is jail." "Inmates get assaulted and sexually assaulted all the time, put some weight on and you will be fine." Kauffman also predicated "Prisoners do not have rights." Kauffman asserted to Brown, "You will go in the cell with Allen EXIST you because you are a whistle blower!" Although Brown told Kauffman that him and this inmate were enemies in which he was extorted by this inmate and his cellmate Jackson, during his stay on block A. Kauffman asserted he did not care that "homosexuals deserve to get extorted." "If any of my kids wear homosexuals, they would be disown and left unacknowledged." Kauffman again retaliated against Brown when he removed Brown from the cell in which he was naked in a cold cell. Kauffman then put Brown into a cell smeared with feces because Brown had wrote a grievance pursuant to being forced to write a statement. Another inmate had just been O.C. in the cell. Plaintiff asserted to Kauffman that he could not breathe because of his asthma. Kauffman told Brown to suit him. The mist of O.C. and the feces of another inmate was all over the floors and walls, toilet, able, sink. Kauffman then asserted "Whistle blowing rats" will not get their way at SCI Huntington. Plaintiff was forced to stay in the cell for over 20 days in which he had to eat and sleep in feces. Plaintiff suffered adverse action at the hands of Kauffman for exercising his constitutional rights.

On 2-7-18 Brown again talked to Kauffman as he was doing his rounds. Brown asserted to Kauffman that one inmate Allen was attempting to rape him during the night that just passed. Inmate Allen then hurried to the door asserting "I am going to take his ass if you do not remove this unit ass rat from my cell. You know I am a lifer with nothing to lose. I am never going home." Kauffman then predicated to Brown "take it up with the Unit Manager, and if you wasn't a homosexual he would not be attempting to rape you!" Brown was later sexually assaulted that night.

Both LT. Dunkel and LT. Snyder retaliated against Plaintiff during his stay in the R.H.U. While Brown was in the R.H.U. LT. Snyder came to Brown's cell door and asked if he was cold, in which he was in a cell naked. Brown asserted "yes I am very cold, can I get some clothing?" He asserted the only way you get clothing around here is if you stop writing grievances." He then walked off leaving Plaintiff with nothing. LT. Dunkel also walked to Plaintiff's cell and asked if he was freezing, then started to poke fun at Plaintiff saying "O do you want to call your Mommy?" This custom is so common it has a nick name "bluesing".

While in the camera cell on 1-26-18 Brown had an asthma attack in which he could not breathe. Brown crawled to the door because there was no stress button. Brown then started to hit the door. LT. Dunkel came to the door and ordered Brown to get up. Brown was unable to get up. Another Co. came and asserted "he's having an asthma attack!" LT. Dunkel stated "fuck him he's a rat, we will call medical after he dies!" On 4/7/18 Brown told LT. Snyder and LT. Dunkel that he was getting deprived of the law library, showers and recreation. That he had sign up for the law library and officials were not taking him down. Also every time he sign up for showers he would get denied. Dunkel asserted we already had a talk. "Stop writing grievances, you just wrote a grievance on Smith and relevant pursuant to the showers on 3-8-18. Then you wrote a grievance on Plocnik. "You not getting showers your not going to the yard, and your not getting any law library time because you keep telling on our staff."

Brown again meet with both Lt. Dunkel and Lt. Snyder and told them that he was assaulted by Co. Plocinik while in the Property room. Both Lt.'s then told Co. Plocinik and told him stop giving him his dinner trays. Brown was then deprived for his dinner trays for over two weeks.

Brown again made both Dunkel and Snyder aware that Co. Such as Denan and Plocinik was putting the grievances and sick calls into the mail box in which Brown's grievances and sick calls were not getting addressed. Pursu to his sexual assault claims. Both actors called Brown a rat and told him to Smell a razor. See Exhibit V 1-6.

Plaintiff is bringing Claims of Retaliation against C.O. Plocinik and C.O. Eachman on 2-2-18 Co. Plocinik came to Brown's cell to alert him that he will be moving with inmate Allen on G-A the very next day. Plaintiff made C.O. Plocinik aware that him and Allen were enemies, that while on A-A he was exploited by both Allen and his cellmate Jackson for over 800. Plaintiff also asserted he had wrote a grievance asking for separation on both inmates see Exhibit N 1-4, but that his grievance was never responsive to. He also asserted that both Lt. Maxwell and Siple was aware, and that he was a rare victim while at Campbellville. Plocinik told Plaintiff that he was aware that Allen was on his enemy list but it was over crowded. He also asserted he dose not give a shit. On 2-3-18 Co. Plocinik came to Plaintiff Cell and asserted force will be use if he did not cuff up, that he would be going into the cell with inmate Allen and that Allen was going to fuck Plaintiff up. "We just told to your moving in with him." After cuffing up and taken to G-A block another inmate DeGrosso Shae was a witness as Plaintiff was crying out that he did not want to go into the cell with inmate Allen, that he fear for his safety.

Two Lt.'s came out the bubble with other officials, in which Plaintiff expressed his concerns but nothing was done. Plaintiff was called "Bip and dip and Moe Brown!" Plaintiff was forced into the cell by Co. Plocinik. Once the cuffs came off, Plocinik witness inmate Allen hitting Brown, in which he asserted "have fun with him" on 2-4-18 Plaintiff again meet with this defendant as he was picking up mail. This actor started motivating inmate Allen to attack Plaintiff, in which he started to assert "Allen How is Brown still alive in here, he's a fucking rat." On 2-7-18 after inmate Allen had attacked Brown and sexually assaulted him Co. Plocinik came to the door asserted "I told you Allen was going to fuck you in here he then asserted "it looks like a murder seen in here!"

On 2-10-18 Plaintiff was subject to Verbal sexual harassment by this C.O. during security check. Plaintiff was crying out for medical attention and was very concern that his grievances and sick calls were getting put into the wrong box in which he was not getting responses. This Co. called Brown a cum sucking homosexual and told him to shut the fuck up. On 2-15-18 again Brown meet with Co. Plocinik in which Brown asked him why he had put his grievance into the wrong box? He asserted because your rat at got the block hit! "For fifteen Business days your grievances and sick calls will go missing, if we put it in the mail box because the mail lady works with us."

He then Predicated "After fifteen Business days your grievances will be tin bared in which we will then start putting all grievances back into the grievance box!" He also asserted "medical dose not want to see you, they will only see you through the door, and we know your not going to tell them your bleeding from your ass thru the door, because other inmates will hear you and you will be subject to more harasser See Exhibit V 1-6. On 2-25-18 Plaintiff was taken to the Property room for Property exchange. He was cornered by C.O. Plocinik and Lt. Eberling, this Lt. started to ask Plaintiff about his sexual assault allegations against the jail with a smirk on his face. Plaintiff was elbow in the back by Co. Plocinik before he could respond. Plaintiff then feel to his knees and seen the same actor swinging a Mace can hitting Plaintiff in the face. Co. Plocinik asked Plaintiff to get up after Lt. Eberling was also done assaulting Plaintiff and walked away.

Plaintiff was then kicked by this actor in his ribs while cuffed after he had asked him, are you going to stop writing grievances on my staff member Plaintiff then asserted "your going down for this!" Co. Plocinik asserted "there are no camera's back here!" "This is were I bring your tray to put shit in it!" The scrupulously vulgar assertion was followed up with this C.O. grabbing Plaintiff's balls and Predicating "Say I like big fat white dicks." Plaintiff yelled "you fucking"

The actor then released Plaintiff's balls and asserted "I hate homosexuals!" Plaintiff was then deprived for his dinner trays on 2-26-18, 3-6-18, 3-8-18, 3-17-18, on 3-8-18 Plaintiff got his dinner tray but it was spit in by this Co because Brown meat with Miss. Corlony Linston a member from the Prison Society, on 3-17-18, 3-19-18, 3-25-18 Plaintiff's tray was spit in by this C.O. on 4-5-18 C.O. Placini id dinner trays, this time he did not spit in the tray, but he did ask Plaintiff about a grievance he wrote, then he asserted "have fun eating that tray!" while Plaintiff was eating the tray he feel his stomach started to burn, his lips was numb and his eyes started to water up. Plaintiff found chewing tobacco in his food and another unknown substance. The room started to spin and Plaintiff passed out. On this day it was no way for Brown to get C.O.'s attention because there are stress bottoms with in the cells. Plaintiff hit his head and suffered injuries. Plaintiff then told Paula Pava Unit Manager Kendrick but nothing was done about Plaintiff's injuries. On 4/10/18 during dinner trays Brown cell lights was on while using the bathroom, Co. Kendrick asserted to Brown that "homosexuals has little dicks!" because they never have to use them Brown asked him what he was talking about? Kendrick asserted "You have a little dick, and you are a homosexual!" He then told Brown "go lay in your bed, stick your thumb up our ass, then in your mouth, suck on it and act like it's Allen's dick." see Exhibit X1-7 also see witness statement.

On 1-24-18, 1-25-18, 1-26-18 C.O. Fochtman deprived Plaintiff of his dinner trays, because he had told officials that his property was missing when he came down to the hole. He also asserted to Plaintiff L.T. Younker said "You do not eat!" on 2-4-18 Plaintiff meat with Co. Fochtman while he was in cell 108 with inmate Allen. He told Fochtman that he had been assaulted by Allen and he fear for his safety. Fochtman asserted "you better learn how to fight Younker, Dunkle and the Unit Manager and Maxwell all want you in this cell!" Fochtman did nothing to move Plaintiff from the cell. On 2-7-18 after Plaintiff was sexually assaulted by his cell mate, Co. Fochtman came to the door asserting "it's a boy, no it's a girl!" Allen "you are the father." Fochtman then Predicated which one of Yall I'm I going to write up for fighting? Sgt. Anders want me to write someone up for fighting, so it can look good!"

Plaintiff then asserted to Fochtman "Yall have to move me!" Allen said he's going to keep sexually assaulting me till yall move me!" Allen then started to yell out "Yall did this, I am the most violent Lifer in this jail, and Yall are refusing to move him!" Co. Fochtman then stated, "WE DO NOT MAKE COURTESY MOVES, THIS IS NOT THE HILLTON, IT'S HUNTINGDON!" Co. Fochtman then walked off and started laughing.

On 2-28-18 after Brown meat with Corlony Linston with the Prison Society, C.O. Fochtman picked Brown up from the video room in which he started to asked Brown what him and "Linston" talked about. Because Brown fail to respond, he was spit on by Co. Fochtman. Co. Fochtman started to yell at Brown asserting "You fucking homosexual, are you trying to suit us?" "I will make your life a living hell sack here!" "Back here" as in the R.H.U. Brown told the Unit Manager what took place but nothing was done to discipline Co. Fochtman for his actions.

On 4-28-18 Co. Fochtman did trays, he walked to Plaintiff's door with tray, he then asked Plaintiff "What happened the last time he meat with the Prison Society?" Brown asserted "You spit in my face!" He then asserted "dam right," then spit in Brown's tray and handed it to him. Brown again suffered an adverse action at the hands of Co. Fochtman for exercising his constitutional rights. See Bishrian v. Levi 696 F.3d 352, 375, 2012 U.S. App Lexis 19473 5/1/82 A LR Fed 2d 688.

Brown also brings retaliation claims against Sgt. Anders and L.T. Younker. On 1-22-18 L.T. Younker approached Plaintiff on his housing unit 1-A. He asserted to Plaintiff that he did not like the fact that Plaintiff keep writing grievances in his institution. He also asserted to Plaintiff that over his 15 years of working at SCI Huntingdon he had yet to see a bigger rat, and that if Plaintiff keep writing grievances, the R.H.U. will be his home. Brown told Younker the reason for his grievances was because his rights were being violated. He cut Brown off and Predicated that Kauffman and Maxwell had already told him everything he needed to know.

Later on that date Plaintiff walked to the dock because he had seen the legal sheet up with his name on it in which is a custom. LT. Younker started to harass Plaintiff asserting "we will give your mail when we are ready, go back to your cell hole. I tell my staff to tonight you up!" Plaintiff then watched another inmate walk to the dock and grabbed his legal mail. Plaintiff walked back to the dock again asking for his mail. This time Plaintiff mail was visible in which he seen his Attorney control number was scratch off and the legal mail was already open.

LT. Younker then asserted "I read your legal mail, and your lucky you are getting your legal mail you fucking whistle blower!" "Go Pack your shit you going to the Pithly, write him up for disobeying order and threatening staff, they should give him 60 days." Brown then asserted "You can't write me up for having concerns of inmate mail being read." LT. Younker predicated "this is my house, I do what I want to do." Brown was writing up by a Sgt. Moore. On the way to the hole LT. Younker told Brown "remember my fucking name, your not getting any of your property you fucking rat!" During this, Sgt. Moore also asserted the same thing.

During a inventory of Brown's property hours later, Brown would not sign the Property sheet because he notice he was missing all his commissary and all of legal papers. LT. Younker and the Property Sgt. Flowers was called down. Both actors then asserted to Brown that he was a 'Whistle Blower' and that he was a rat that likes to talk grievance because of that he will not be getting any of his commissary. Brown wrote a grievance See Exhibit Y1-6, adding Property exchange after Brown was assaulted by two officials, he again meet with the Property Sgt. Flowers and LT. Younker telling them he was missing what looked like up to two record center boxes of legal work. Again both actors asserted to Brown that his filing grievances was the reason he was missing Property. Again Brown filed a grievance Pursuant to LT. missing Property, but nothing was done. See Exhibit W1-6.

Officials actions was hurt Brown's pending civil cases in which must of his Exhibits went miss for case Brown v. Phillips and Brown v. Whitside in which he was unable to adequately response to discovery and motions from defence lawyers. Also look at Miscodict # D091229 Pursuant to the force write up Brown got from Sgt. Moore after LT. Younker told this Sgt. "write him up for disobeying orders and threatening a staff". Brown never had a hearing for this write up, although the threatening a staff claim was dismiss Brown was still found guilty of disobeying order and was force to do hole time.

Brown next meeting with LT. Younker was on 2-3-18 when he was refusing to go into a cell with an enemy. Plaintiff expressed his concern to this LT. and why he did not want to go into cell 108. Younker asserted "we know who you are chip and def, or should we say miss Brown?" Brown was force into the cell and LT. Younker witness an assault on Brown at the hand of his cellmate, and did nothing to protect Brown because he claim Brown was a rat. Brown was later sexually assaulted by this inmate. The courts should be aware that Brown also brings claims of retaliation Against Property Sgt. Flowers for conspiring with officials in which Brown's legal record center boxes and commissary missing.

Apparently Sgt. Anders was one of the staff member written up after Brown made his claims of sexual assault known to the State Police. On 10-23-17 when Brown first got to SCI Huntsheden, during an inventory of his Property Sgt. Anders asked Brown why he talked like a girl and walked how he walked Brown made him aware that he was a homosexual. He asserted "O you was the one that got fucked at Comp Hill?" He then walked off. Sgt. Anders and Plaintiff did not meet again till the night after Brown was put into cell 108 with inmate Allen. Anders came to the cell door and started to yell at Brown asserting "why was you giving my staff a hard time, you need to be a man not a bitch fucking homo!" Plaintiff made his concerns be known, that he had already suffer an assault at the hand of this inmate. Anders asserted stop crying and check on Allen's dick. "Don't act like you don't want to miss Brown?" "You should love jail, it's all guys in here." He then asserted, "you made a grievance on us saying we put you in a cold cell remember?" "Stop crying on us before you start asking for favors homo!" "You will stay in this cell!" Plaintiff again meet with Sgt. Anders on 2-6-18 Plaintiff made Anders aware that he was getting assaulted by inmate Allen and that Allen is claiming he will sexually assault Brown if officials did not move him. Anders asserted "Power to the people and let the guys live on!" then he started to laugh and point finger at Brown.

Sgt. Anders came on the block with Co. Fochtman, another inmate called Anders to his door. This inmate was very concerned that inmate asserted to Anders "I have been down 10 years, I have never seen anything like this, why don't you throw the poor kid out of 108 with that monster?" Co. Fochtman asserted "because he's a rat." Anders followed up "do you know what happens to rats?" They get kicked over and have lots of babies, like Brown!" Brown called Anders to the door in which he was only next door, and he called Brown a rat and Brown started laughing and did nothing. Sgt. Anders' actions clearly showed retaliation. Brown suffered adverse action at the hands of Anders after engaging in constitutionally protected conduct.

engaging in constitutionally protected conduct. Brown brings claims of Retaliation against Co. Weyant and Co Garlik and Co Smith. Apparently these officials are in charge of inmates going to yard and showers on must days. Co. Weyant and Co Garlik jobs to come around with the Shower and Yard list, they sign inmates up. With in an hour of sign inmates up they come back with Co Smith with hand cuffs in which is policy to take these inmates to shower or yard. Brown was called a rat by Co Weyant, Co Garlik and Co Smith on multiple occasions. On 2-8-18 Garlik was one of the officials along with Weyant that he was sexually assaulted by his cellmate and did not want to go back into the cell after he was let out for showers. He was then beaten or sexually assaulted. These three actors then started to call Brown by a new name, "Gayman!" After Brown meet with the State Police Pursuant to his rape claims, he was then harassed by these three actors. They would come to his door and call him "Gayman!" When they were taking him to the showers and yard they

All three CO's then started depriving Plaintiff for showers and yard; they will come around with the yard list and Shower list, Brown will be standing at his door they would stop and assert "Gayman" You are not Showers and yard; they going to yard! Before 3-17-18 they might take Brown to the Shower once every 4 days. With in days so they would deliberately take Brown to the Unit of his attacker, this move was motivated by the fact that they was aware Brown would get harass and threats from his attacker and gang member friends. They would never take Plaintiff to the Yard in which is policy five times a week. On 3-9-18 Co. Weyant and Co Smith came to Plaintiff's door for showers. Plaintiff asserted type you guys going to really take me out for showers? they said yes "Gayman". Plaintiff then made his concerns be knew to both CO's that he did not want to go next door for showers because inmate Allen and his gang members would send death threats at him and harass him during showers, in which they was aware of Brown's cooperation with the state police. Plaintiff then showed both actors a note as Co Smith walked up, Plaintiff told all three CO's that the note was passed to him by another inmate, in which asserted that Brown will be killed by Allen and his gang member friends if send to Population relative he was cooperative with Lt. Maxwell and state police pursuant to his Sexual assault claims. These actors ignored what Plaintiff heard Shepard them and still took him next door for showers altho a open Shower was on his block. Brown was then subject to death threats and harassment. Inmate Allen started to yell at Brown "Then he is 'killer', and 'muder.'" "then he is, we are going to kill you fucking rat!" "Anywere you go in this Jail you will be send out in a body bag, you fucking homosex I had you face down ass up in this cell!" "Your ass hole sucked all the cum out of my dick, and I know you liked it!" "Fuck you and the state police, put him on here!" Co Smith even asserted "Gayman" they are talking to you fucking rat!"

These three actors came to Brown cell door short time after and asserted to Brown he will not see another shower or go to Yard as long as they are the ones to come around with the Yard and Shower sheets. Apparently it has been the case. From 3-17-18 everytime Co Weyant, Co Smith of Huntington and Co Bartik do the shower list or yard sheet they pass Brown's cell asserting "Gorman, Gorman" "No Van no shower!" Brown has made the unit manager aware, his counselor, and Sgt. Heat aware of this conspiring act, but nothing has been done. Brown has not gone to Yard over 100 days. Brown has not had a shower in over 120 days. See Exhibit

Z1-6

Plaintiff brings retaliation claims against Psychologist Goss, Psychiatrist Cousin, and Eric Parsons, all members of SCI Huntington Psych team. After Brown was Admitted to SCI Huntington, he meet with a Eric Parsons a member of the Psych team, Brown is unsure if he is a Psychologist or just a Counselor. Brown Predicated that he was having multiple mental issues and that he had been a rape victim while at Camp Hill. Parsons asserted "I know who you are, if you want to get out the cell and talk I can get you out, but I can't do nothing for you." "I was told by my bosses that you like to file lawsuits, and you are a 'Whistle Blower' so I can not refer you for treatment, they will not let me." Brown then asserted to Parsons that he was already diagnosed at Temple Hospital and a follow up at Harrison House with Bipolar and Schizophrenia, and P.T.S.D. and while he was in a county jail he was diagnosed with depression. He made Parsons aware that he was not on his medication. Hospital, well but am, debatable, and that his symptoms were getting worse since his sexual assault. Parsons did nothing for Brown in which he again asserted I can't treat you or refer you to get treated because by bosses told me you whistle blow through litigations. Nothing was done to treat Brown because he was alleged to be a whistle blower through litigations. Plaintiff again meet with Parsons on 12-4-17 after he was Admitted into the R.H.U. for refusing a cellie. Plaintiff again asserted to one Parsons that his symptoms was getting worse to the point that he would sleep under his bunk out of fear and hearing voices. Again Parsons asserted to Plaintiff "we have a system here but it's nothing I can do for you, they wouldn't let me help you."

Plaintiff again meet with Parsons on 2-25-18 while playing and eating his own feces. Parsons asked Brown "why are you eating shit?" "It's all over you." Also "why are you sleeping under your matt?" Plaintiff asserted to Parsons "I keep hearing voices." Parsons asserted to Brown, all this is an act to file a lawsuit, we do not give 2-code or treat people that sue us. "they told me all about you!" Brown again meet with Parsons on 2-5-18 while in cell 108 on G-A with an inmate "Allen". He told Parsons that he had been assaulted, that he did not feel safe in the cell with "Allen" and that he was "suicidal?" Parsons asserted "well you still alive" and did nothing. Parsons claimed his bosses will not let him treat or refer Brown for treatment because he likes to litigate, in which he did not follow any D.O.C. regulations.

Brown first wrote Cousin a request slip after finding out from another inmate that she was the one that prescribe him Psych medication. This was around 10-26-17. Cousin wrote back asserting that Brown would have to see a Miss Butterbaugh. She then signed the request. At the time Plaintiff asserted very serious concerns or symptoms and was unaware Butterbaugh was only a counselor with no Psych training. Plaintiff meet with Butterbaugh asserting his concerns. Miss Butterbaugh asserted that she was muddled why Cousin and Goss keep referring inmate they did not want to deal with to her, because she had no training to know what's going on with a inmate. She asserted it was a system that SCI Huntington had so they wouldn't have to diagnose inmates that do paperwork.

Miss Butterbaugh also predicated that she never refer inmates to Cousin out because my symptoms was very serious, she would have to refer Brown to Cousin because she wanted nothing to do with depriving a inmate treatment. Brown then wrote a grievance see Exhibit A-A1-6. Brown meet with Cousin and Goss on 12-5-17. After being sent to the R.H.U. for refusing a cellmate, he asserted to Cousin's his medication was not being given to him that his symptoms was getting worse after he suffered a rape assault at Camp Hill. He asserted he was not heard treated that he was feeling down and gray, sweat, his heart rate was beating faster when other inmates came close to him, crying, fear of being harm to the point of sleeping under his bunk, he was

not leaving his cell and thought of hanging out his cell. Plaintiff also asserted he would not stop shaking to the point that officials started to call him "shake and rattle". Plaintiff asserted he was hearing voices that was telling him to hurt himself and others, and that he would become short of breath when another inmate brush pass him. That he was losing weight, not eating, was having nightmares, and was very emotional.

Plaintiff told Cousins and Goss that he was already diagnosed by a family jail doctor and an outside doctor and/or psychiatrist. Cousins then asserted "I don't know who you are." Brown predicted yes you do, you referred me to a Miss Butterbaugh after I wrote you in pursuant to my symptoms worsening from a sexual assault at Camp Hill. "You even sign off on the request." Cousins then asserted somebody gets signed here for her. Brown then asserted did you know that's a federal offense? Cousins then flared out telling "OK smartass we do know who you are. Your not getting shit, Sue US!" "If you claim your homicidal or suicidal, you have to sit on it, you can't just say your hearing voices or thoughts act it out." "You not getting treatment or medication from us, I don't care if Dr. Phil had already diagnosed you!" She and Goss then walked off. see Exhibits A-B 1-6.

Plaintiff again met with both Cousins and Goss on 1-17-18 Brown asserted that his mental needs was not being met, and that his symptoms was worsening. She asked Brown to spell "Symptoms." Brown also told her that he was a homosexual and he fear for his safety that his cellmate was retaliating against him. Goss then asserted, just because your a homosexual there is nothing with in the D.C. Policy that says we have to accommodate you with a Z-code single cell. Cousins then cut Goss off and asserted "People that put in paper work don't get medical from us, you have a better chance of dying!" "I have been in this business for a while I don't treat inmates that sue people!"

On 1-25-18 Cousins and Goss was called down after they were told plaintiff was in the camera cell eating his own faces. Cousins and Goss told Brown "You just doing this for attention or to get Z-code and medication, your not getting shit!" After Brown was sexually assaulted by his cellmate, he again wrote Cousins this time she fail to respond. Plaintiff then met with a member from the Psych department name Bell, he made his concerns aware to him. Bell told Brown he was like Miss Butterbaugh, all he could do is refer him to Cousins and Goss. That it dose not mean that the P.R. members would see him put he would put in the referral because he thought Brown's issues are very serious. Both Cousins and Goss fail to see Brown and or diagnose him.

On 4-30-18 while Cousins and Goss were doing their rounds in the R.Hill. seems another inmate that was cells down from Plaintiff. him called them over. They both came over and told Plaintiff to get a court order to set as before they would look into giving him medication.

Sgt. J. Rhodes and Sgt. Moore are in charge of legal copys. Its a custom that they come around or send a co. to pick up legal copy every Tuesday and Thursday. They then take the legal work to the bubble and it sit's till the next day in which it's taken to the law library to make copys. Both Sgt Rhodes and Moore picked up Plaintiff legal copy on 2-19-18, they came back to Brown cell asking him questions about his legal cases and pending grievances against other officials. They told Brown they did not like the fact that he was writing so many other official. They also started to ask Plaintiff about his sexual assault claims. Plaintiff would not say anything, they then told Plaintiff that they read all the legal copys inmate submit that's why it go's into the bubble. They asserted to Brown if he dose not stop with his grievances and claims against their officials that they will make his life a living hell. The next day Sgt. Garlick did trays, put the tray into Plaintiff Box but did not slide or open the window so Brown could get his tray. When Brown asked him to open the window he asserted "Moore and Rhodes said you do not eat!"

On 2-22-18 again both Sgt Rhodes and Moore picked up Brown's legal work, in close was a motion for appointment of Counsel for one of Brown's civil cases, a motion in opposition. Some grievances directed to officials. Plaintiff legal copys was again taken to the bubble and again officials came down to Brown's cell and Rhodes started to ask Brown about the grievance he wrote, and a opposition again. Brown did not want to talk about it. Brown was deprived of his dinner tray by Sgt. Rhodes on that day. on 2-24-18 when Rhodes and Moore passed back legal copys his motion in opposition was missing. When Brown asked Moore and Rhodes what happened to his motion they told Brown to suck a dick.

Brown that he was being retaliated against. Nothing was done by Kauffman and House. on 3-2-18 again Plaintiff legal copy was picked up by both Sgt. Moore and Rhodes. They took it to the bubble. Rhodes came back to Plaintiff cell and asked "What did I tell you about these 'incidents'?" Plaintiff told Sgt. Rhodes that he did not want to talk about it; at dinner time Plaintiff was deprived of his dinner tray by both actors. on 5-2-18, Sgt. Moore and Sgt. Rhodes again came around for legal copy and they refuse to pick up Brown's legal copy; this was not the first time. Plaintiff asserted he had a motion due with the courts for Brown v. Phillips and that it would be late if he could not make copy. They told Plaintiff to "hang it up." On 5-8-18 legal copy was picked up by a co. longer a short time after Sgt. Rhodes came out to Plaintiff's cell and told him "your lucky we already did this or else you would have been deprived of your tray." He asked Plaintiff to drop his claim against co. Placemik see Exhibit XI-7. The next day Garlick did trays and deprived Plaintiff of his tray. Plaintiff talked to Unit Manager Kendrick but nothing was done. Plaintiff then spoke to Rhodes. He called him a "homosexual rat." Plaintiff again was missing legal work when he got his legal copy back. Brown has retaliation claims against both Sgt. Moore and Sgt. Rhodes for their actions.

Count V Municipal Policies

Plaintiff is bringing municipal claims against The ^{John Wetzel} ~~Wetzel~~, Medical Provider Wexford, P.A. Van Doe at Graterford, Paula Price, Kauffman, Unknown Medical Provider at Camp Hill, for Policies of asking inmates to obtain a court order for treatment or to see a specialist. Plaintiff also brings Municipal Monell Claims for Customs of inadequate treatment, failure to train, Discipline and Supervise, against other Policymakers Dr. Kevin Kellman, Dr. Kelada, Dr. Shaikh, Andrew Danich.

In this case the Plaintiff alleged that the defendants knew that medical care was necessary but simply refused to provide it. This Complaint asserts that the defendants concluded that Brown would need to see or get evaluated by a specialist pursuant to his heart condition, the recurrence of his acute Asthma attacks, and other severe injuries suffered from multiple sexual assaults. Such as symptoms that could be link to a Sciatic condition; sharp pain passing down the hip through the back of the thigh causing necrotic as in inflammation. Neuralgia Pain and or Severe Pain along the nervous system; numbness along the left side of the head, acute Scoliosis. Defendants refused to treat Plaintiff. Instead they place the burden on Brown to obtain a court order for the very examination they believed necessary.

Their reason being lack of funds; the D.C. is responsible for providing funds to insure that the medical needs of the inmates are properly met. The limited funds provided by the D.C. may have contributed to deliberate indifference shown to the serious medical needs of Carlos Brown. The state and local governments have the obligation to provide medical care to incarcerated inmates see Estelle, supra. The duty is not absolved when the D.C. contract with an entity such as Wexford. Although an entity like Wexford or other medical providers has contracted to perform an obligation owed by D.C. and the state, the D.C. and state is still liable for any constitutional deprivations caused by the Policies or Customs by the officials of the medical provider, see Wilson v. Taylor, 733 F.2d 1539, 55-1 U.S. (1984).

A municipality that consciously fails to train, supervise or discipline its officials may have a Policy or Custom of deliberate indifference to its citizens constitutional rights. While a Plaintiff cannot recover from a municipality on a theory of respondeat superior, they can recover if they show that a municipal Policy or Custom directly caused constitutional violations. A pattern of deprivation may imply deliberate indifference on the part of D.C. Policymakers to the need for training, discipline, supervise in a particular area.

A Plaintiff in order to meet this standard for directly subjecting a municipality to 42 U.S.C. 1983 liability, must present sufficient, like evidence of indifference on the part of a particular Policy, custom, or Policymakers, which generally connotes some culpable state of mind, including the Policymakers' deliberately indifferent acquiescence in a custom or Policy of inadequate training, supervising or failures to discipline employees, when the need for more or different training, supervising or disciplining is very obvious.

Under Monell v. New York Dep't of Social Services, 436 U.S. 658 (1978), a local government entity or private entity acting as a state actor may not be held vicariously liable under 1983 for the action of its agents unless the plaintiff proves the entity's policy or custom is the "moving force" behind a constitutional violation. See Starks, 456 F.3d 288, 314 (3d Cir. 2006). Policy is made when a "decision maker" possesses final authority to establish municipal policy with respect to the action. Issues an official declaration, policy, or edict. Pembaur v. City of Cincinnati, 75 U.S. 469, 481 (1986).

A custom is a practice of government officials that, although not authorized by law, is "so permanent and well settled" as to virtually constitute law. Monell v. City of New York, 436 U.S. 658 (1978).

Brown was admitted into the D.O.C. on ~~1990~~ 6/26/17. He made medical officials aware that he was suffering from a variety of medical symptoms including an oncoming heart condition in which he was diagnosed with on the street which was acute, severe pain, sensitive sharp pain. Brown asserted that the last time he was hospitalized on the street, his cardiologist told him that his heart was not pumping enough blood to supply the body tissues adequately in which put him in a state of cardiac arrest. Brown predicated that the best institution was not giving him medication or even electrocardiogram in which his injuries worsen.

Brown also made officials aware of his Asthma attacks in which only a right dose of medication through a respirator could save what control the attacks. Brown also asserted he had been stabbed in the back and as the results of officials deliberate indifference he has a stigma on the lens of his eyes causing distortion or preventing him from seeing. causing poor eyesight and sharp pain double vision. An X-ray was conducted by an unknown medical official. Day later Plaintiff met with PA Jean Doe at Interford. He predicated all his concerns then asked for the results of the graph taken of his heart. She asserted "it looks bad, you would have to see a specialist for your eyes, your heart, & chronic asthma attacks." She then asserted causing the D.O.C. or medical department was under founded I would have to get sick about dead before her bosses would approve a visit to an outside specialist to get diagnoses but if you get a court order then would have to act to comply with the court order.

Plaintiff's concerns was ignored and he was deprived of antacids and could only write sick calls, in which was ignored. Plaintiff was transferred to SCI camp Hill on 8-9-17 in which at the door he again told officials at camp Hill all his issues. Pursuant to medical officials claim they sign Plaintiff up for an Asthma Chronic care Clinic. On the contrary Brown 75 days he spend at camp Hill he never attended this clinic. None of Brown other serious concerns was met see Exhibit A-C 1-7 medical officials asserted to Brown that his issues were very serious but he would need a court order to see a specialist or get treated.

Brown then spoke a Dr. Shaikh while in the hallway, he asserted to Dr. Shaikh that he was just recently admitted into the D.O.C. and that he was not in any medication that his cardiologist prescribed and his symptoms was worsen. also asserted I was in pain and it was hard to see and my asthma was never addressed in which I was hauled on the old side of the rail with no ventilation because it was mid summer it was hotter than the ozone layer in the cell making it hard to breathe. Brown asserted other injuries he was suffering from. Dr. Shaikh went to his room and looked up Brown's medical file and asserted his back, nose, leg and asthma was documented, but there was nothing about his oncoming heart condition or eye condition. He then stated this was a custom that all of times nurses or PA would not log serious injuries or issues unless you had a court order to get treatment.

Plaintiff also asserted to Dr. Shaikh that he had just passed out in his cell on 08-22-17 and hit his head because it was so hot in the cell in which his chest pain got worse and he could not breathe. On 08-22-17 when he told a Sgt. Zimmerman that he needed medical attention but nothing was done. He then wrote request that was ignored in which was follow up with a prisoner, because he was deprived of sick calls. Dr. Shaikh told Brown he could not evaluate Brown because it was policy that he would need a court order. Nothing was done to address Brown's issues.

On 10-1-17 and 10-4-17 Plaintiff was a victim of a brutal sexual assaults. Brown started to ask medical personals for treatment from his injuries suffered. Plaintiff ask a nurse Jennifer although he could not express all his injuries through the door as the attacker was sleep, he asserted that he was bleeding from the anal and in a lot of pain that I had been raped, that I had symptoms of a fracture ribs, and nose, along with ankle pain head, neck and my injuries was not being treated. This nurse asserted we have to pull him out, could lose my job if we don't!" The C.O. asserted we have orders that he stays in the cell

Plaintiff also asserted that the medical personnel would not address Brown's injuries. At no time did any officials pull Brown out the cell to evaluate him although his injuries were clearly obvious. Plaintiff then wrote a sick call on 10-7-17 and a follow up on 10-16-17 asking medical for help. Brown then had an Asthma attack on 10-18-17. Brown passed the stress bottle in which a C.O. came to the door and Brown asserted I can't breathe, this C.O. walked off. Brown was transferred the next day after getting out the cell with no medical treatment.

The Court should note that is not the only inmate with the D.O.C. system being or was deprived of medical treatment. Brown is claiming this is a clear practice. A inmate Mike Duluca #17625 cellmate by the name of Osive Johnson was denied medication and treatment causing death. Johnson was suffering from Charcot Syndrome a serious but treatable complication from diabetes in which the bones disintegrate. While Johnson was an inmate housed at Camp Hill he was repeatedly refused or deprived treatment in order to save money. Johnson condition deteriorated during the nearly two years he was held at the Camp Hill institution. He then developed a life threatening and ultimately life ending bone infection.

Another inmate Charlton Walter was a mental health inmate, officials were not addressing his mental health issues. At SCI Graterford he received a Court order that was asked by him from the jail before he could receive anti-psychotic medication. The Court order also asserted that he be transferred to a jail with better mental health treatment or units. A guard observed Walter striking and inflicting injury on himself, medical refused to evaluate him because his injuries were self inflicted. BY POLICY security can not put him in a restraint chair if you are clearly medical with injuries. Walter was strapped in a seven point restraint chair around both ankles and wrists as well as over the hips and both shoulders for 46 hours sitting in his own urine and feces. He died less than an hour later after they let him out the chair. This was after medical evaluated him and asserted he was ok.

Toxicology report concluded that Walter did not have any anti-psychotic drugs in his system when he died. The cause of death was intrapulmonary embolism likely caused by 5-centimeter blood clot found during the autopsy. According to the National Institutes of Health that type of embolism usually begins as a clot in a leg vein before traveling to the heart, and can be caused by long periods of sitting.

Brown was transferred to SCI Muncie on 10-23-17 in which he told officials at the door that he was not on any medication and was a fake victim. Brown also asserted that he had not been evaluated. He asserted all this to two medical personnel one being a nurse Nicke Emigh. Again medical officials allowed a Prison Guard IT Maxwell without any medical training to provide a medical screening on Brown. Maxwell asserted because Plaintiff claims were weak prior, that he would not need X-rays or to go get evaluated at a hospital or a jail doctor. No medication was given to Brown for any of his ongoing injuries.

Brown was seen by PA KING on 10-24-17. Brown made King aware that he was suffering from a variety of medical symptoms including an ongoing heart condition in which he was diagnosed with on the streets causing him acute and severe pain. Brown asserted that the last time he was hospitalized his cardiologist told him that his heart was not pumping enough blood to supply the body tissues adequately in which put him in a state of cardiac arrest. Brown predicated that the last institution was not giving him medication in which his injuries worsened. Brown also made King aware that he was suffering from acute Asthma attacks and that he was not even on medication for that. Brown also asserted he had been stabbed up the eye and it was left untreated in which was causing distortion and sharp pain and poor eye sight. Brown then addressed his injuries suffered from two sexual assaults while at Camp Hill. Brown asserted he was still bleeding from the anal, and suffer from internal bleeding, had symptoms of fracture ribs in which the pain was so intense he could not eat or sleep. Also had symptoms of a fracture nose.

Making it hard to breathe leaving him in excruciating pain. Brown also asserted he had numbness on the left side of his head that will not go away down to his right shoulders through his right hand. Brown asserted he was feeling sharp pain from his herniated disc area, and from area to the point that he would have to force himself to walk or sit. Brown also predicated that his left ankle was still swelling and his acute scoliosis that he was also diagnosed with was causing him intense pain. King asked Brown to sign a cash slip. Brown asserted he was indigent that he did not have any money on his inmate account. King forced Brown to sign a cash slip or he would have to leave her office. Brown sign the cash slip. She asserted that they were under funded that inmate would have to pay to get any treatment. She then told Brown that she would only be evaluating his ribs area and that he would need a Court order to see a specialist because they was low on funds.

Miss King also asserted to Brown that the medical staff for Brown's injuries, because it happened somewhere else, that Brown would be getting transferred back to Camp Hill so they can address his issues. King started to feel around Plaintiff's ribs, in which he started to yell in pain. Miss King then predicted "if they are fractured they would heal on its own." Miss King then told Brown that he did not have money on his inmate account for pain medication so she could not prescribe him any. Brown was left in pain. See Exhibit A-D-1-b.

King's actions clearly reflect on her training or lack of in which Policy-makers such as Paula Piro, Ms. Holloman, Andrew Danich are aware that medical staff regularly deprive inmates treatment or medication in which they have either failed to train or discipline these officials. This failure caused Brown's injuries to worsen and emotional distress. The Court held, delayed medical treatment did not constitute deliberate indifference unless it exposed the detainee to "undue suffering or the threat of tangible residual injury or to interminable delays and outright denials of medical care." See *Monmouth County Correctional Institutional Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987).

Brown was again deprived medical treatment after he was transferred back to Camp Hill to talk to State Police pursuant to his sexual assault claims. Brown was subject to a seven hour bus ride in full restraint including leg chains, wrists and waist. Brown was deprived of using the bathroom in which he was forced to sit in his own urine and feces. During a screening at Camp Hill Brown told unknown medical personnel that he was injured and also injured from the seven hour bus ride in which he also suffered cuts around the legs and wrists from the cuffs. Brown then asserted that he was forced to sit in his own feces and urine for hours. One official asserted "that's why you smell like shit, did they write you up for that?" Brown was told he would be called down to medical to get evaluated.

On 11-1-18 Plaintiff suffered a broken nose from his cellmate, in which Brown's nose would not stop bleeding. Brown was sent to medical, at one point an unknown inmate asserted to Brown "damn it look like you just got in a fight with a U.I.C. fighter!" Plaintiff spoke to a nurse Jennifer, she looked very worried and quickly called Dr. Steeve and Edwards telling them "his nose will not stop bleeding, he's got blood all over him!" Brown predicted to both doctors that he had been assaulted by his cellmate and weeks before this he was sexually assaulted while in the R.H.U. and his injuries was never attended to. Dr. Edwards then asserted, we know who you are, and we are aware of your medical chart. Dr. Steeve left and got on the phone in a room close by. Dr. Edwards started to ask Plaintiff "if he had medical insurance? Dr. Steeve came back and looked mad asserting "Edwards are you trying to get us in trouble, that's the lawsuit guy Huntingtondon said they already treated him!"

A Sgt. or LT. Francis was called and this actor forced Brown back to his housing unit with out evaluation. Brown was assaulted the next day by this same inmate and this time he was deprived to go to medical by Sgt. Leloux. Brown was then transferred back to SCI Camp Hill exlude camp Hill, Brown was sent back to SCI Huntingtondon with no treatment what so ever.

Plaintiff wrote a sick call on 11-15-17 Plaintiff was seen by a P.A. Gomes. Gomes asserted that Brown could not be seen until he sign a cash slip, he sent Brown back to his housing unit. Brown Gomes submitted a cash slip and was seen again by P.A. Gomes. Brown asserted to P.A. Gomes what he had asserted to P.A. King weeks prior, he also asserted that he had just been assaulted while at Camp Hill. In this meeting Paula Piro was also present. P.A. Gomes expressed to Brown that he had a lot of issues and that he was unable to address them. He also asserted that they were under funded that the jail did not even have a medical bed lay in; that inmates with serious medical condition like Brown would have to go to "rockview" a different jail down the street. He told Brown it's a policy that he get a court order, because they did not have the tools to adequately evaluate Brown, at most a rectum exam and x-rays could be conducted that's it.

Brown made Gomes aware that an anal or rectum exam could cause him more pain. An rectum exam was conducted against Plaintiff. This exam was conducted in an open room with other inmates and female medical staff watching. P.A. Gomes did not have gloves on his hand nor did he take his time in conducting the exam, causing Brown pain.

Gomes then asserted that the Jail has asthma respirators, but he would not pay for the respirator. Brown asserted while at Camp Hill, officials then had referred him to an Asthma Chronic care clinic because of his sneezing after he asserted Brown was living because it was never tested. See Exhibit A-7, 1-2 official at Camp Hill referred Brown to an Asthma Chronic care clinic. Although Gomes conducted an rectum exam, Brown is claiming it was contrary to policy. Gomes did not use gloves and conducted this exam in front of females and other inmates in an open area which violated Brown's privacy. After Gomes was done Brown was bleeding from the anal, he did nothing for Brown. Gomes did not address Brown's acute asthma attacks, Brown's serious heart issues, nor did he address the fact that Brown claim his left side of his head was numb going through his right shoulder and hand. Brown met with a Dr. Kelada on 11/30/17 again. Brown told this doctor all of his injuries. He told Dr. Kelada that he had passed out in his cell just days prior to the meeting after seeing week, dizziness, sharp pain in his heart area that was so intense he could not move or breathe. Officials found Brown on his cell on the floor. They then concluded that he was having a heart attack for various reasons. Guards with out any medical training was providing medical screening. Brown also told this doctor about his acute asthma attacks, his scoliosis, his eye, and the numbness on the side of his head down to his right shoulder. Dr. Kelada predicted to Brown although his concerns was very serious or symptoms that were under fourfold and that he could not evaluate Brown because he was not a specialist nor did the institution have the tools to diagnose Plaintiff's injuries or symptoms. He also asserted it's very few cases that would get confirmation to see a specialist in those cases inmates would have to be just about dead. He asserted that Brown would need a court order to get these issues addressed.

He then stated that he could do X-rays of Brown's hip, pelvis, spine to see if any bones was sticking out or severe fracture. Dr. Kelada refused to address Brown's ribs pain, his back being, although PA King found pain in the ribs area. Brown should have gotten x-rays then. Kelada then claims there was no bone sticking out, although there was inflammation around Brown's knee, and his spine was curved, that his scoliosis looked serious that his boss would not let him send Brown out to get evaluated with out a court order. Plaintiff then asked Dr. Kelada for medication he asserted "You can get that off commissary". Dr. Kelada then forced Brown to sign a cash slip.

Brown met a inmate chambers while on A-B at SCI Huntington. Brown was muddled why chambers was paralytic, so he started to ask chambers about his medical condition. Chambers took Brown to his room and started to show him paperwork. Apparently Chambers had seen PA King, Dr. Kelada and Dr. Kollman after he was feeling sharp pain in his or around his heart area and passed out in his cell, after he was discovered he was taken to medical in a wheel chair, he was looked at by Dr. Kelada, Kollman and PA King. They asserted there was nothing wrong with him, that he had only had a stroke. The asserted the reason for the stroke was his intense work out in which was causing interruption of normal blood flow to the brain. Chambers then asserted that he dose not work out, he was send back to his cell. Chambers asked to see a specialist and they asserted he would need a court order. The next day while chambers was watching T.V. in his cell he could not breathe because of sharp pain from his heart, again chambers passed out. This time he was not getting up around request. He had to be rushed to the hospital. During evaluation chambers was now aware that he was at the hospital. The cardiologist at the hospital was very concern and started to ask chambers why hadn't the jail taken actions in bringing him to the hospital after the heart attack the day prior? Chambers asserted it could be June that PA King, Dr. Kollman & Kelada had told him it was only a mild stroke, in which they started to joke with him to stop the intense work.

The specialist told Chambers the cell had to be in condition of a acute heart attack. This left Chambers motionless. He also explained that they know the he told in which they just discovered that Chambers just had a heart failure along with him in a stage of cardiac arrest. Chambers was left paralyzed. Chambers case is currently being litigated and was just recently offered \$300,000. At no time was P.A. King, Dr. Kollman, and Dr. Kelada discipline for their actions.

Another case was with a Luke Thomas an inmate currently housed at SCI Huntington. After Thomas was admitted into SCI Huntington he made Dr. Kelada and Kollman aware that he had epilepsy, that his seizures was very serious he needed medication to control the rate in which he would have them. Thomas was also concerned that the institution did not have medical block. On 12-16-17 while in the RHU in which Brown was doors down Thomas fell out and hit his head from a seizure. Dr. Kelada and a nurse Enish was called. Dr. Kelada told this inmate if he did not get up and call up he would tell security to C.I.C. him. The medical department was aware that this inmate was diagnosed with epilepsy and other serious medical conditions. Thomas did not get any medical treatment that day or get his head always evaluated. At another date while on the same housing unit as Brown, A-A Block while next to Brown, this inmate fell out and started to shake intensely while on the ground. Thomas seen Dr. Kelada and spoke with Paula Price, they asserted that he did not need treatment because it was "K-2" then order Thomas to take a piss test in which he passed. Mr. Thomas passed out again hitting his head and shaking while in medical attempting to protest for medication for his condition this was on 1-6-18.

P.A. King told officials that Thomas had already been seen by medical that it was nothing but mild seizure and he was given Aleve. An unknown C.O. then conducted a medical screening although he had no medical training and determine Thomas was faking. He then wrote Thomas up. The write up alleged that Thomas was faking his seizure and that he might be on a related K-2 like drug. Again SCI Huntington has nobody to supervise the medical officials to make sure they are doing their job in evaluating inmates for their serious medical condition. Another inmate "Jubilee" was suffering from a serious heart condition. He was admitted to a hospital on 4-21-17; this inmate was then released a week later with instructions from a physician to keep this inmate a medical block on medical layin under intense observation. "Jubilee" met with Paula Price and Dr. Kelada. He asked to be transfer to Rockview because SCI Huntington did not have medical layin or a medical block. Dr. Kelada asserted he was OK, there was nothing to worry about that the hospital doctors did not know what they was talking about. ~~They~~

They even clear inmate "Jubilee" to go back to Population to his same cell and unit in which he was housed. On October 1st 2017 "Jubilee" had a heart attack while in his cell and died. Dr. Kelada and Dr. Kollman was called after this inmate would not wake up. While outside the cell Dr. Kelada ordered "Jubilee" cellmate "Frederick Brooks ML8061" to conduct C.P.R. on the dead body. Frederick Brooks was held in the RHU under murder charges, until all autopsy reports concluded that he had suffered an heart attack in the middle of the night. Again no medical Personnel was discipline for their actions pursuant to "Jubilee" death. Officials was aware that SCI Huntington was an old jail in which did not have medical block to accommodate "Jubilee" that inmates like him could not be housed at SCI Huntington, they would have to go to the street to SCI Rockview. Paula Price and Dr. Kelada refused this inmate request to go to SCI Rockview after his physician at the hospital made the institution aware that his condition was very serious, that he would need to be under constant observation. See Exhibit A-61-#.

The courts should note these are not cases of self-diagnosis, these are all inmates that suffered from very serious medical conditions in which was brought to defendants attention. At no time did those inmates self-determine that they needed treatment other than offered to them. See White v. Napoleon, 897 F.2d 103, 110 (3d Cir 1990) In these cases Brown is claiming that non-medical defendants like Kevin Kauthman and Paula Price had actual knowledge that Prison Doctors or their assistants are mistreating or not treating prisoner in which would with stand the Scienter like Re. Gurement of deliberate indifference. See Sprull v. Gillis, 372 F.3d 218, 236 (3d Cir 2001) If a prisoner is under the care of medical experts, a non medical Prison official will generally be justified in believing that the prisoner is in capable hands."

Brown is alleging that prison doctors routinely misdiagnosed or failed to treat him in which non medical officials had actual knowledge; Brown is also alleging that he was not the only inmate subject to this custom. Brown's next meeting with medical personnel was while he was in the RTH. Brown met with P.A. King and told her Prison officials had held him in a cold cell ~~and~~ naked. P.A. King asserted "You was getting bluesed" this punishment tool is so common it has a nickname, bluesing in which King was already aware. King did nothing for Brown on 90ms injuries suffered.

Brown again met with a nurse Hallie on 1-24-18 while he was on the 90au after an Asthma attack in asserted he did not have a respirator in which could help control his attacks; she asserted to Brown that he would need to sign a cash card before she could help. Brown told this nurse he was indigent. This nurse then told Brown "there is nothing I can do for you" then walked off. On 2-7-18 a co. Johnson came to Brown's cell door and watched his cellmate attack him; this co. ran off. When Johnson came back to the door he notice Brown was in bad condition and bleeding from the knee, nose, head, and other parts of his body. Brown then told Johnson he was sexually assaulted by his cellmate. Johnson walked away again and came back asserting he had called medical, but they asserted they did not want to get involved. he then forced Brown to give him his sheets and clothing that had blood all over it.

A medical personnel came by hours later to give another inmate his medication. Brown then told this person, but nothing was done to see what Brown's injuries were. Brown claims were ignored or disregarded till 2-11-2018 when Brown seen a nurse Eric. This nurse told Brown that because it was in the middle of the night, that a doctor was not on, but first thing in the morning that a doctor will see Brown. Brown told this nurse that he had suffered his sexual assault attacks from his cellmate and his injuries was as follow: abdominal pain, bleeding and bruises in and around his anal, perineal pain, inflammation of ankle, pain in nose making it hard to breathe, chronic back pain, sciatic pain in his hip and thigh, he was still feeling numbness along the left side of his head, from where he was sexually assaulted at campfills he asserted he had a big bump on the side of his head from the sexual assault suffered on 2-7-18 and bruised ribs. The next morning Brown was called down to a strip cage and a nurse Brown asserted "I am only here to take pictures!" She took pictures and told Brown he would need a court order to see a specialist or go to a hospital. See grievance # 7211081, Exhibit A-H1-5

Nothing was done for Brown and he was also deprived from medication. Brown again put in another sick call, and a P.A. Eric came to Brown's door on a different day. Brown predicted to P.A. Eric that he was a victim of sexual assault and he was getting deprived medical attention and that he was not even on pain medication. Eric told Brown there was nothing he could do for him because, this would be a reason for another one of his "law suits" Eric then walked away. Brown again put in another sick call and met with Paula Price, P.A. King, and Dr. Kellman on 2-22-18. Plaintiff again asserted all his symptoms, and that he was still bleeding from his anal and that his condition was worsening. They asserted if they order x-rays and there was something wrong with Brown that he would need a court order to see a specialist because they was under funded. Paula Price asserted "being that you are who you are, if we treat you are attempt to you are still going to sue US." "You sue everybody", so it's best we don't get involved."

Nothing was done to treat Brown or even see what was wrong with him. Defendants left Brown in pain, even making him sign a cash slip. On 2-25-18 Brown suffered an assault while in the property room at the hand of two prison officials. Again nothing was done to treat Brown. Plaintiff suffered an Asthma attack days later while in his cell and was unable to get C.O.'s attention because there are no stress buttons with in any of the cells, when Brown spoke to nurse Nikre, she did nothing to address his issues. After Brown met with the Prison Society on 2-28-18 he explained that he was getting deprived of medical attention. Mis. Carion Linston who is a retired nurse herself same very concern, in which she will be a witness in this matter. Brown was called down to Superintendent Kaufman office and he was harassed by Kaufman and Paula Price, they asserted that Brown should stop talking to the Prison Society and filing grievances that he will not get any medical treatment at SCI Huntinton, because they are not liable for homosexuals getting raped.

The D.O.C. and its officials are clearly liable Pursuants to Brown's claims. Brown has alleged that the D.O.C. and its officials has engaged in a pattern of behavior or has in place a custom of failing to train, discipline, supervise its officials; this directing such behavior or custom has unlawfully deprived Brown of his constitutional rights.

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From 2012 over 12 of the deaths related to Human Services in which is 289
leaves; was blamed on improper supervision or inadequate care by private medical
providers such as Wexford. The D.O.C. also has a history of changing medical
providers once every four years because of this. Also the court should note that
his regulations or requirement pursuant to the number of inmates that had died
with in the state institution from 2012 does not include inmates that died in
the hospital. The regulators only require to report these deaths to the health
and human services if it occurred while in custody. So if a inmate was in
bad condition but was alive when he left the jail then died at the hospital he
or she will not be included.

Officials lack of training is "one thing" that run through a lot of the deaths,
in which the recent jail deaths totaled among the highest in the 20 years since the state began
tracking them. This pattern tells a story that officials are not addressing as in Policymakers.

Municipal Policy #2

There is nothing with in the DC - ADM 008 "Prison Rape Elimination Act
addressing homosexuals safety or accommodating them pursuant to housing if they
are claiming of or a history of being sexually assaulted. The Policy is clearly
discretionary based in which there is a link between Brown being liable as
Whistle Blower and officials abusing their discretion in housing Brown.

Regulators should have a straight policy they would have to follow if
homosexual is admitted with in one of their many state institution
and has claims of being sexually assaulted or a history. Brown is bringing
Municipal claims against ~~John Wetzel~~ ^{John Wetzel} and Policy makers Kaufman, Mandy
Sipple, IT Maxwell for the lack of in the DC - ADM 008 "Prison Rape Elimination
Act not addressing homosexuals safety or accommodating them pursuant to
housing if they have claims of or a history of being sexually assaulted. These
claims are base under Monell's Plaintiff is also bringing his claims against John Wetzel.

To hold a municipality liable pursuant to 42 U.S.C. 1983, a Plaintiff must allege that
the municipality had in place a policy, practice, or custom that caused the deprivation
of a constitutional right. See Monell, 436 U.S. at 691. Liability premised on 42 U.S.C. 1983
cannot be based on a theory of respondeat superior. A Plaintiff must establish that
the government policy or custom was the proximate cause of the injuries allegedly
sustained by the Plaintiff. Kneipp v. Tedder, 95 F.3d 1149, 1213 (3d Cir. 1996)
Allegation or proving one incident of misconduct, however severe, cannot in and
of itself engender municipal liability. Oklahoma City v. Tuttle, 471 U.S. 808, 823-824
1985. A Plaintiff's complaint must "put Defendants on notice of the essential
elements of Plaintiff's cause of action and raise a right to relief above the
speculative level." Bell Atlantic Corp v. Twombly, 550 U.S. 544, 555 (2007)

A Pleading that offers "labels and conclusions" or a formulaic
recitation of the elements of a cause of action will not do. Ashcroft v. Iqbal, 129
S. Ct. 1937, 1949 (2009) The complaint must contain "more than the defendant -
unlawfully-harmed-me accusation". There is a difference between alleging an
entitlement to relief which, by itself, is not sufficient, and showing through
factual allegations, that the entitlement exists.

To establish a legitimate claim, the Plaintiff must plead 1) the municipality
had a policy or custom that deprived him of his Constitutional rights; 2) the
municipality acted deliberately and was the moving force behind the deprivation; and
3) Plaintiff's injury was caused by the identified policy or custom. Bd of
the County Comm'rs v. Brown, 520 U.S. 397, 403-04 (1997)

Plaintiff was admitted to the D.O.C. on 7-26-17 in which at
the door he told officials that he was an homosexual inmate, that he
been subject to harassment and assaults from other inmates.
Although Plaintiff did not have any altercation while at SCI Graterford
when he got to SCI Camp Hill for classification reasons. Plaintiff alleged
pride officials aware that he was a homosexual inmate and had
been subject to harassment and assaults from another inmates.
Plaintiff then told officials in fact there was an inmate name "Woo" or "Diwoo"
that was going through classification that had assaulted him in the County Jail
after months of harassment when officials told Plaintiff he would be going to
the hole if he did not take a cellmate in which his cell was doors down from
this inmate. Officials also told Brown that it was over crowded so they
could not accommodate with a single cell.

On 10-1-17 and 10-10-17 Brown was sexually assaulted by his cellmate while in the R.H.U. at Camp Hill. AD LT. Gildea deliberately put Brown in with a "strong" after he was aware that this inmate had a history of assaulting and sexually assaulting his cellmates. Plaintiff apparently made Gildea aware of his concerns of being housed with other inmates while in the R.H.U. His request was dismissed or denied as Gildea asserted "We don't accommodate fags!" "Lawsy Man!" Gildea again asserted that "Camp Hill was not the place to act up, you need to read up on our history we don't give a fuck about gay rights or your damn ass lawsuits!" Gildea then asserted "I am telling you up with Strong, he's got 12/11 assaults and he loves homosexuals!" Gildea took Plaintiff out of one cell and put him with this inmate because he claim Plaintiff was being a conceit ass.

It was also transparent that Brown was a homosexual because he swish his hip when he walks, sound like a girl when he talks, and has other feminine characteristics. Brown also wears eye liner. Brown was a constitutional right to be free from cruel and unusual punishment analyzed by the Eighth Amendment retaliation analyzed by the first Amendment. Brown also has a right to be free from assaults and sexual assaults. Brown is putting into context and defining the contours of the federal rights that was violated.

After Brown was admitted into SCI Huntingdon, he made a move after meeting with a CPREAS LT Maxwell and MAURIE SIPLE. He asserted that he had concerns of his safety and privacy pursuant to his housing because he was a homosexual and that he was sexually assaulted at camp Hill by his cellmate two times. LT. Maxwell asserted that he was aware and that he use to work at camp Hill and that his "friend" was under allot of heat because of Plaintiff's claims. He then stated that he was not happy with Brown because of that. Miss Siple then asserted that policy does not require that Brown be given a single cell just because he is a homosexual and a rape victim. In which she is right, there is nothing within the DC-ABM ops that address such issue.

Siple also stated to Brown "You can't have your cake and eat it too it seems to me. Your trying to attract men so don't screen rape!" This was after Plaintiff had asserted that he fear for his safety and that he would again be a target because of his feminine characteristics in which he swish his hip when he walks and he talks and sound like a girl, and wears eye liner. Plaintiff was then force to write and sign a statement that he did not have any enemies in population although he was unaware of who was in population because he was new to the jail. He was then put into a cell with a inmate with a history of telling drabs and violence. Brown again told officials on his housing unit of his concerns after a C.O. passed his cellmate "Jackson" a legal mail, and a copy of a grievance response pursuant to him being a victim of sexual assaults. Brown also cried out to his counselor that he fear for his safety and privacy but nothing was done. Again Brown was told it was over crowded and there was nothing with in the prison asserting that he could not be housed with other inmates. Brown was assaulted by his cellmate "Jackson" and was forced to put money on Jackson and a inmate "Allen" books because they did not like Brown. Brown again made his concerns aware to Kaufman, Maxwell, and Siple and asked them to look for an alternatives. Brown claims were denied.

On 1-22-18 Brown was written up and send to the R.H.U. Brown was written up while in the R.H.U. for refusing a cellmate. Brown again meet with LT. Maxwell and Miss Siple asking them to accommodate him with a single cell. Brown even made them aware that on his way to see them he was subject to threats and harassment because officials had come to his cell and asserted out loud "Your going to see LT. Maxwell and Siple. Inmates started to yell out "O that's the fag boy that Jackson said got fucked at camp Hill in the R.H.U. "Hate!" "Somebody going to fuck him him down here." "You fucking rat!" Again nothing was done for Brown. Maxwell asserted to Brown "You would have to go into the cell with the ever we want you to go in the cell with or forces will be used. Brown has already alleged through his complaints that after he was force into the cell with an inmate "Allen" he was again and sexually assaulted two times in which officials conspired to keep him in the cell.

Brown is claiming there is a clear link between the lack of the ISC-ADM 008 which does not address homosexuals that has been sexually assaulted or has sexual assault claims. This lack in policy in failing to accommodate victims or inmates with such claims called Brown's injuries. There is also a link in overcrowding and officials abusing their discretion.

Brown Counselor told him at the time a vote sheet did come around asking did he think Brown was safe to be housed with other inmates. He then inserted the participants for the voting sheet was members of P.R.C. and P.R.I. as well as Kauffman. So Maxwell, Sipple, Cousins, Goss and others. He stated every one voted in favor of Brown being housed with other inmates, so it was custom that he could not vote against his co workers even though he felt differently. In other words he told Brown "it's fucked up what they are doing to you but I can't do anything about it." Officials clearly abused their discretion, they was aware Brown had a history of getting sexually assaulted, they was also aware that Brown would most likely be a target to other base on the fact that he wore eyeliner and was a homosexual with feminine characteristics.

There was to be a Policy Protecting Brown in giving officials less power abusing their discretion. Officials also looked or label Brown a "whistle blower" so it would not be far-fetched to draw the inference that their actions might be deliberate or bitter and motivated out of retaliation pursuant to accommodate Brown and protect his rights. Kauffman himself called Brown a "Whistle Blower." Maxwell asserted that he use to work at Camp Hill, and that Brown claims had his friends under a lot of heat in which he was not happy with Brown. Contrary to what took place with the vote sheet, there are times were the same participants voted for an inmate to be accommodated with a single cell just because he looked young. See Exhibit A-G 1 a statement from a Shae DeGrosso LR 6/21 in which states he was given a single cell Z-code in which he did not even want, simply because he looked young.

Another inmate Quon Abbemithem was housed at SCI Smithfield he was caught on camera grabbing a nurse "ass" in which the nurse said nothing he was transferred to SCI Huntingdon and given a Z-code single cell. The court should also note at no time did Brown get a chance to object to this recommendation pursuant to the voting sheet. The DC-ADM 008

Subsection B-h Reads "The transgender or intersex inmate shall be informed of the GRC's privacy and housing recommendations within 48 hours of the GRC meeting, and be permitted the opportunity to concur or object to the recommendation." 5) "In deciding whether to assign a transgender inmate to a facility that is consistent with his/her gender identity, and in making other privacy, housing and programming assignments, the Department shall consider on a case-by-case basis, whether a placement would ensure the health and safety of all impacted inmates and whether the placement or accommodation could potentially present management or security problems." (28 C.F.R. 115.42(c))

In reading this you could conclude that it's directed to transgender inmates and not homosexuals in which at best it's still discretion based. It talks about the GRC and housing and programming assignments to ensure safety. It's still to the power of to consider. If an inmate that is a homosexual and has a history of getting sexually abuse there should be no discretion based policy, that inmate should be accommodated with a single cell at the door of any institution he goes to. And if for some reason over crowding is a issue in accommodating this inmate, then he should be put on A/C, and transferred to one of many of the D.O.C. State institutions, unless that inmate wants to stay at that institution and cell up with a friend in which he feel safe and

The only discretion base to this policy should be in officials choosing one of it's many institution to house this inmate. It's apparent that there are always concerns in or pursuant to inmates abusing this policy or saying they are of homosexual or was sexually assaulted just to get accommodations with that being said, the concerns dose not outweigh the violation of these homosexual inmates if officials abuse their policy or discretion pursuant to housing these inmates. Brown is not alleging that he was the only inmate subject to his ~~own~~ rights getting violated because officials chose to abuse their discretion pursuant to his safety and housing. Another inmate "Penny" also subject to officials housing him with other inmates when he was admitted into SCI Huntingdon. After this inmate was admitted into SCI Huntingdon, he made officials at the door

aware that he was a homosexual and had a history of being sexually assaulted. He told Maxwell he was very concern pursuant to his safety. He too like Brown switched his hips when he walks and had other feminine characteristics. Prison officials ignored Penny's concern and housed him with a inmate that was known for fighting his cellmates. Within 48 hours Penny was raped by his cellmate. Penny then told officials that he was sexually assaulted, they deprived him medical attention and housed him with another inmate that did not want a homosexual as a cellmate. This time Penny was not sexually assaulted, he was beaten half to death and tied up in the cell. Officials found Penny under the bunk top up. In Penny case he was lucky he did not lose his life. Penny was transferred out the jail. Another inmate by the name of Ravn Brooke is currently an inmate at SCI Huntingdon. He has a mental health history and is also a homosexual. When he was admitted to SCI Huntingdon he made officials aware that it was his first time in jail and he was a homosexual. Brooke was concern because of how little he was. He expressed this to both P.R.C. and P.R.T. making them aware that he was vulnerable and might be a target to others.

Like Brown this inmate also wore eyeliner and has other feminine characteristics. Brooke was ignored by both P.R.C. and P.R.T. they housed Brooke on A-A, the same housing unit that Brown was housed. Brooke had a cellmate that did not care that he was a homosexual. Brooke started to get harassed by other inmates, in which he made officials aware, but they did nothing telling him (Man Up). A Goon next door started to ask Brooke for money and that he would protect him. Brooke started to call his family and asked them to put money on this Goon's books, telling them he's a friend. After a while Brooke family started to call the jail asking why this guy was asking Brooke for money. Officials started to look into what was going on. Officials then seen this guy forcing Brooke into his cell but did nothing. Although Brooke was not rape by the Goon, it took a note from this Goon threatening and asking for sexual favors even then officials told Brookes he was lying. Brooke could had to go up to security and telling them everything and how this Goon was now asking for sexual favors.

Again officials failed to act. Brooke family then called the jail asserting a civil lawyer was coming to see Brooke. Brooke was then moved to a single cell unit. Officials then also lived this Goon 2-code and housing him next to Brooke. Brooke then try committing suicide. A civil lawyer came to see Brooke the next week, officials then transferred the Goon to another jail. Brown putting in context and is defining the contours of the right he is alleging were violated. Brown has ~~the~~ Pleaded the necessary elements to establish municipal liability against policymakers. Brown had showed that officials also violated other inmates constitutional rights through abusing their discretion. Brown has alleged that the municipality has a policy or custom that deprived him of his constitutional rights, and that the municipality acted deliberately and was the moving force behind the deprivation and Plaintiff's injury was caused by the identified policy or custom see *Bd. of the County Comm'n v. Brown*, 520 U.S. 397 403-04 (1997).

Municipal Policy #3

Pursuance to DC-ADM 803 Mail and incoming Publications Procedures Postage and Copying. Section 1 of this Policy Pursuant to Anticipating Postage for indigent inmates and copying, this section of the Policy discriminates against indigent inmates and put a restraint on adequate research. It also violates these inmates equal protection in which Brown can show a link to injuries suffered in his ending cases because of this Policy. Plaintiff is asking for a Preliminary and Permanent Injunction.

The Policy reads: 1) an indigent inmate may anticipate on his or her account, postage for legal mail, to include exhaustion of grievances, and copying charges of up to \$10.00 per month. Under no circumstances, shall the Business Manager/designee approve requests in excess of \$10.00 per month. An inmate is responsible for managing his or her funds and monthly postage allowance to meet his or her legal needs.

First Brown is an inmate fighting a criminal appeal Pro se and multiple civil cases also Pro se. Brown is constantly filing grievances. Brown is an inmate working from the R.H.U. in which Policy is a inmate in the R.H.U. should be admitted no less than 2 to 4 hours of law library time every week. Where a inmate has petition he has to response to he could require more time.

In Brown's case officials are retaliating against him and denying him access to the Unit law library. Brown files about 10 grievances a month. It's say officials response to these grievances which is not the case. Brown would spend \$ allowance in 10.00 just addressing grievances that month. \$5.00 to 22 curr copys of the grievance he wrote, a copy of the initial review response, a copy of his response, a copy of the Facility manager response and a copy of his response to send to secretary's office and another \$3.50 in postage to mail the grievances. In which was the case in February of 2018 for Brown.

The courts could also draw the inference "Brown you don't have to file so many grievances especially if officials are not addressing your concerns in which you could be able to show good cause." Brown slowed down on the grievances. The court should note that Brown would have to respond to around five different law firm in the month of March through court orders or response to motions.

Diorio & Sereni LLP at 21 West Front Street P.O. Box 1789 Media, Pennsylvania 19063, Holsten & Associates at 1 S. Olive Street Media PA 19063, Gold & Ferrante, PC at 261 Old York Rd, Suite 200 Jenkintown PA 19026, Lamb McCrance PC at 24 E. Market St, P.O. Box 565, West Chester PA 19381, City of Philadelphia Law Dept, at 1515 Arch St With Branch Philadelphia PA 19102.

First Brown had to file a Application For Extension To File Appellant's Brief re Commonwealth of Pennsylvania VS Carlos Brown No. 2759 Ed A 2017. Brown had to file this on request stop paper because he ran out of white printing paper. Brown filed the extension of time because he did not have his legal box with him and he could not request case law from the law library for reasons of researching because he did not have any \$10.00 allowance left. Nor was Brown able to make the copys needed by the courts.

Brown had to respond to a Methan Claiborne motion to dismiss from the law Dpt. of the City of Philadelphia in Brown v. Warden Sonia Doe 16-cv-588 in which was 25 pages. Brown would also have to make 25 copys for himself and 25 copys to send to the courts. That would have him \$5.00. Brown would have to respond to a motion from Holsten & Associates in which was 20 pages, again Brown would have to make 20 copys for himself and 20 copys to send to lawyers. By then Brown had ran out of allowance. The Prison law library was telling Brown they could not make copys for him because he had ran out of money in which was policy.

Brown could not respond to discovery request from lawyers from Diorio & Sereni LLP Pursuant to Brown v. Phillips 16-cv-2566 or another motion from Diorio & Sereni Pursuant to case 16-cv-4706 Brown v. Savadogo in which defendants Warden Byrns, Hermy Stex, Sgt Schaefermo their which was all dismissed as defendants because Brown was unable to respond to defendants motion on time. Brown was then unable to file a writ of Certiorari Pursuant to case 17-3170 Brown v. Moore in which Brown had appeal and was dismissed for lack of jurisdiction because the District court's order entered September 11, 2017 had not dismiss all the defendants in that case in which 28 USC 1291 provides the courts with jurisdiction over appeals from final decisions of the district courts. See *Coopers & Lybrand v. Livesay*, 437 U.S. 632 (1978) but were it is not a final decision the court would have the discretion in lacking jurisdiction.

In such case Brown could file a Petition for rehearing or file a Petition for writ of Certiorari. Brown could not file his Petitions because of lack of research. Brown did not have any allowance to get the case laws needed to adequately address all issues in that case. Brown didn't even have paper, or his legal box. Even if officials was giving Brown his 2 to 4 hours a week in law library time, Brown would still need copy of case laws in his cell to help with research. The Policy puts a serious restraint on Brown at no point could Brown fight his cases adequately with such restraint of \$10.00 a month for copys and postage and only 100 sheet of paper a month. The courts are clearly aware Brown is a different case in which must inmate admitted to the B.O.C. do not have as much legal issues to address through the courts the Policy is directed to those inmates and is discriminating against a inmate like Brown. The court should note Brown only addressed the month of February and March 2018 in this litigation in which it might take 50 pages if Brown addresses the lack in this Policy from the top in step foot into the DOC Brown is well backed up in responding to his legal issues and has have defendants dismiss in some cases because of this Policy.

Brown has an Alternative to this Policy to be an inmate like Brown is indigent; he should be able to show good cause by submitting a request to the Business Office asking to double his \$10.00 allowance to \$20.00 for Copying and Postage and also double the no cost Stationary. This would give this inmate more to work with. Officials are not even giving inmate Carbon Paper anymore as required by Policy. Brown has showed the courts that this Policy has injured his access or put a restraint on his ability to conduct adequate research while indigent and working out of the R.H.U. The Alternative to this Policy will also make it harder for an inmate like Brown to bring claims like this in the court. There is no alternative to this Policy. Inmate should not be treated differently from other inmates because they lack funds on their accounts in which Policy makers such as Kauffman and the D.O.C. is clearly liable.

Municipal Policy #4

The Legal mail Personal mail, Grievance, request and legal copy system. Brown is bringing his claims through Monell, and failure to discipline. John Wetz Brown is identifying these Policy makers Kauffman, Unit Manager Kendrick, Rec, LT Maxwell, Mandy Sipple, LT House, LT Younger, Sgt Rhodes, Sgt Moore

The supreme court held that a municipality that consciously fail to train or discipline its agents may have a "Policy or custom" of deliberate indifference to its citizens' constitutional rights, and may therefore cause the resulting constitutional violations. The court held a pattern of constitutional violations may imply deliberate indifference on the part of Policy-makers to the need for training or disciplining in a particular area. See Simmons v. City of Philadelphia, 947 F.2d 1042 (3d Cir. 1991). A Plaintiff, in order to meet the deliberate indifference standard for directly subjecting a municipality to Section 1983 liability, must present Section-like evidence of indifference on the part of a particular Policy maker or Policymakers.

This "scienter-like evidence of indifference" generally connotes "some culpable state of mind" including the Policymakers. A Complaint that alleges that a Policy-maker knew about the need to discipline or training, ignored this need and thereby caused the injury at issue, it sufficiently alleges "scienter-like evidence of indifference and can withstand a motion to dismiss. See Black v. Stephens, 662 F.2d 181, 189 (3d Cir. 1981). 1983 does not permit respondeat superior liability, an entity may only be found liable when injury results from the execution of a Policy or custom of that entity. Monell v. New York City Dep. of Soc. Servs., 436 U.S. 658, 694 (1978) see Natale v. Camden Cty. Corr. Facility, 316 F.3d 575, 583 (3d Cir. 2003).

Overruling Monroe v. Pape as having been based on an erroneous interpretation of the legislative history pertaining to 42 U.S.C. 1983, that local governments, Municipal Corporations, and School boards were persons subject to liability under 1983, and thus were not willy nilly immune from 1983 suits; (2) that as "persons" subject to liability under 1983, local governing bodies could be sued directly for monetary, declaratory, or injunctive relief where the action that was alleged to be unconstitutional implemented a Policy statement, ordinance, regulation or decision officially adopted by that body's officers, or where constitutional deprivations were visited pursuant to governmental "custom," even though such custom had not received formal approval through the body's decision-making channels.

The U.S. mail legal and Personal mail are given to officials along with Grievance responses and request slip request, these officials then pass out these documents to each inmate that has a name and inmate number on them. This custom could be abused, in Brown's case wear he is lable as a "Whole Blower rat, and homosexual." Policy-makers have a custom of having out c/o in which you wrote up or had a verbal argument with pass out these Paper work while on A-A block, as Kovach never passed out Personal, legal, or in house mail. On 12-29-17 Plaintiff made his concerns be known to Kovach that he fear for his safety. Plaintiff asserted that his collimate, Jackson Keap asking if he was gay and was making fun of the fact he was wearing eye linder, on 1-7-18 Plaintiff got into a verbal argument with Kovach in which Kovach then called him a Faggot. Plaintiff then called the P.R.F.A. hot line reporting what took place, and also wrote a grievance see Exhibit D-1-4. After this c/o Kovach by Policy should had been removed from the block in which is stamped in the DC-ADM pol and DC-ADM op 8, never the less Policy makers such as LT. Younger and LT. Maxwell ignored Plaintiff's claims and directed Kovach to start passing out Personal, legal, and in house mail.

On 1-13-18 CO Novack stole inmate Jackson's personal mail of Plaintiff Pursuant to his sexual assault claims at Camp Hill while Plaintiff was watching T.V. in the day room. Also told Jackson that Plaintiff was cooperating with the law Pursuant to him being raped at Camp Hill. Inmate Jackson then told a friend that Plaintiff was a "rat and had been raped" as friend name was Allen. This friend later sexually assaulted Plaintiff while in the RUC. Plaintiff also suffered an assault at the hands of Jackson on 1-15-18 and he was forced to put money on both Jackson and Allen's books. See Exhibit D-1-4.

On 12-10-17 while doing the trays in the RHU Plaintiff got in a verbal argument with CO Ciotti, this Ciotti then called Plaintiff a "homosexual monkey". Plaintiff reported him to Unit Manager Kendrick. Kendrick then directed Ciotti to start doing personal, legal, and inhouse mail. This CO then passed another inmate Montgomery 97617 a Personal Grievance response from Camp Hill Pursuant to sexual assault with Plaintiff's name and inmate number on it. Montgomery then asserted "this is not for me". CO Ciotti asserted "I know read it then flush it". This act exposed Plaintiff to be targeted by other inmates.

Around 2-15-18 after Plaintiff gave official Kendrick and Maxwell a written acknowledgment of what took place between 2-2-18 - 2-8-18 Plaintiff's office officials he claimed was responsible started to pass out trays, legal, personal, and inhouse mail. On 2-20-18 official CO Plonick put Plaintiff's grievance in the mail box. See Exhibit VI-6. Apparently there are different boxes for grievances, sick calls, and mail. It is policy that inhouse mail, out going mail and sick calls do not get mixed up, because different people pick them up. Plaintiff's grievances and sick calls were not getting responded to because officials like CO Devon and Plonick was putting them in the mail box. Plaintiff asked CO Plonick why he was doing what he was doing, and he asserted "because your rat and now you got the lock hot. For 15 business days your grievances and sick calls will go missing if we put it in the mail box". The mail lady works for BS! Plaintiff then wrote a grievance and told Sgt. Heaster in which Heaster called Plaintiff a rat and to Social a razer.

Because of this custom Plaintiff started sending out certified mail and return receipt after he notice he was not get personal mail from family, legal mail was delayed and was being directed to "Camp Hill first", his out going mail was not matching his prison account statement. Brown send out tracking # 7015 3016 000 11349 2546 in which were motions asking for Court order to have his legal box with in the cell with him and to get a legal phone call to call his Criminal lawyer, and also to send his status sheets of his current cases. It is policy the courts send you your status sheet when requested. Plaintiff never got a response. Plaintiff got a court order stating that defendants were dismissed from a case see Brown v. Upper Merion Police 6-2255 because he had fail to respond to defendant's motion to dismiss. Plaintiff remember sending an answer out back on 1-22-18 while in a camera cell. Plaintiff then send out a one page letter certified directed to the Judge on 2-26-18 in which should only cost \$6.67 for postage and certified return receipt, when a letter weighs less than a ounce it is only \$47.00 in postage in which 1 sheet of paper is. The tracking # was 7015 3016 000 243183522. Plaintiff was deprived his return receipt he paid for. When Plaintiff got his monthly statement it showed he was charged \$11.77 for a one page letter. In which was proof that something else that had some weight was send with the one page letter on 2-26-18 see Exhibit II 1-6, also see Exhibit II-6.

On 5-24-18 CO Plonick was told to pass out mail in which was a motion to dismiss from a civil case 16-3887. Apparently every other page was missing from this motion, causing a delay in response. Brown is claiming that this same custom is causing injuries Pursuant to legal copies and law library. Sgt. J. Rhodes and Sgt. Moore are in charge of legal copies. It is a custom they come around for days before it is taken to the Law library for copies. This custom exposes Brown's legal work to be read, or go missing.

Both Rhodes and Moore picked up Brown's copies on 2-19-18 they came back to Plaintiff's cell asking his questions about his legal cases and pending grievances against other officials. They told Brown they did not like the fact he was writing so many grievances. They also started to harass Plaintiff about his sexual assault claims against other officials. They asserted to Brown they had a lot of information because they were reading his legal papers. They then asserted they would make Brown like a living hell if he did not stop writing.

The next day, on 2-20-18, C/O Carlin did that and deprived Plaintiff of his tray because he was told to do so by Moore. On 3-22-18 Plaintiff again Plaintiff legal papers were picked up for copying and taken to the bubble, and again he received treats from Moore and Rhodes. Brown was then deprived of his dinner tray. On 2-24-18 when Brown legal papers were passed back he was missing a motion in opposition when Plaintiff ask both Moore and Rhodes where his opposition was they told Brown to "suck a dick".

Brown then told LT. Hoyce and Mr. Kauffman that the policy needed to be changed because he was getting retaliated against, but nothing was done. On 5-29-18 a C/O Forchtman passed back Plaintiff's legal copies and he was missing an opposition addressing Grove v. Hill defendants in a civil case. This caused a delay in Plaintiff's case. There was also grievance missing. Plaintiff then told the Unit Manager Kendrick this after told Brown, "Your lucky your even getting pay copies back 'rat'". Plaintiff has been to the law library one time in 150 days. This is hurting his cases, his ability to research in both his civil and Criminal appeals.

A inmate Jackson CF 394 another Jackson meet Plaintiff in the R.H.U. he was also subject to his Personal mail and legal mail being confiscated. This inmate was litigating the jail for excessive force. He was also fighting a Criminal appeal. His Criminal appeal was denied because of lack of research, he was denied of the law library. He would have other inmates write his family and their would response, but when he wrote them they denied they never got his letter. Another inmate Blair file grievances on officials. Blair filed a Grievance against C/O Forchtman for spitting in his tray. he was then deprived of tray because the same CG was left to pass out trays.

Plaintiff has an Alternative to the unlawful custom of having C/O's pass out legal, Personal and inhouse mail, as well as grievances, requests and sick calls, in which officials inmates are writing up are passing their paper work out, as well as trays. All legal mail while in Population or in the R.H.U. should be handed out by a high ranking member and also responsible member from the Security department that does not work the unit. This could stop or give a tool to retaliate. If you have a pending write up or harassment case against an official they should not be made to pass out trays or touch any Personal or inhouse mail that has your name on it.

Grievances, request slips response while in the R.H.U. can be handle by your Counselor or unit Manager because inmates have alot of Personal info on the grievances and requestes in which alot of time a grievance is written against officials that are working that block. There would be no need for officials that's working the block to handle the grievances. Pursuant to the law library and legal copies, A worker from the law library should come and grab the legal copies and the inmate that need the copyer a copyer should be put in the mini law library were a copy or copies could be made in front of inmate; that way the inmate would be save their axes not reading of his legal work nor would inmates legal work go missing. There should be a legal helper that come down every week to answer questions and make sure inmates are getting to the mini law library. That would clearly protect the inmate. Plaintiff is claiming because of officials policy, it is Ordinance to keep up with two cases in which he can clearly show injuries.

Count X Inadequate Access To The Courts

Plaintiff is bringing his claims of inadequate access to the Courts against Policy makers Unit Manager Kendrick, Kauffman, Sgt. Moore, Sgt. Rhodes. The Supreme court established that Prisoners have a fundamental right to access the Courts in a Series of important cases, Johnson v. Avery, 383 U.S. 483 (1966), Bounds v. Smith, 430 U.S. 817 (1977). This right allows prisoners to file a Section 1983 or Bivens claim, habeas Petitions, or to work on pending Criminal cases. The right is so fundamental that it requires a prison to find a way for you to have meaningful access to the Court. The right however has one very serious limitation that comes from a Supreme court case called Lewis v. Casey, 518 U.S. 343 (1996). This case states that a Prisoner cannot claim he was denied his right of access to the Courts unless he

Shows an actual injury. Prison officials has a custom in which inmates are forced to hand over legal papers for copying. These papers then go into the bubble where officials are free to read and make their own copies or even confiscate legal papers. This policy is putting an impairment on Plaintiff. Defendants are gaining an clear advantage in reading Plaintiff's legal materials, see *Cody v. Weber*, 252 F.3d 764, 8th Cir. 2001. By reading Plaintiff's legal papers defendants would know what and when to confiscate his legal papers. Like on 2-24-18 when Plaintiff's opposition went missing causing multiple defendants to be dismissed in case *Brown v. Savado* 9016-4106, because Plaintiff ran out of funds for copying and paper to write on in which he was unable to write another motion on time to prevent injuries to that case.

Plaintiff is claiming his access to the courts is also limited because of defendant's Policy DC-ADM 903, section 2 of the Policy Pursuant to Anticipation of Postage for indigent inmates and copying, this section of the Policy discriminates against indigent inmates and put a restraint on Plaintiff's ability to file Petitions and conduct research. see *Andin Benjamin v. Kerik*, 102 F. Supp. 2d 157 (S.D.N.Y. 2000) the court found actual injury when a prisoner could not locate cases cited by defendants in the Prison law library, and thus could not fully respond to his adversary's motion. In Brown's case this Policy reads, "An inmate indigent may anticipate on his or her's account postage for legal mail to include exhaustion of grievances, and copying charges of up to \$10.00 per month. Under no circumstances, shall the Business Manager designate approve requests in excess of \$10.00 per month."

Because Plaintiff is prose in an criminal appeal and multiple civil litigations, this policy has been limited and under restraint from filing motions, researching, and conducting discovery. Plaintiff is caught in the middle of responding to adversary's motion at only given time from 5 to 7 different law firms. This Policy also only permits 100 sheet of paper a month. Plaintiff had to write an extension of time motion on request slips, for his criminal appeal case because he had ran out of paper. Plaintiff is unable to conduct discovery for both *Brown v. Phillips* 16-cv-2566 and *Brown v. Moore* 16-2778, he had denied Plaintiff copying and case laws. Plaintiff was unable to make copies of his Production of documents motion, his interrogatories motions because he had ran out of allowance.

Plaintiff was also unable to put together an adequate motion for appeal for case 17-3174 because of lack of research, in which defendants were dismissing stemming a Summary judgement. Although all the defendants were not dismissed Pursuant to that case. Plaintiff was unable to research other cases where defendants had appealed District Court's order for Summary judgement, although it was not a final decision of the District Court's. All because Plaintiff had ran out of allowance for the month. Plaintiff's appeal was dismissed for lack of jurisdiction see *Reapers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978). Plaintiff was then unable to file a Petition for rehearing in the month of February 2018 because he had ran out of allowance. Plaintiff was also unable to file for writ of Certiorari.

On 5-28-19 Plaintiff asked the law library for 62 copies through an indigent request to anticipate money for photocopying charge. Enclose was motion in opposition directed at Dionio & Sereni LLP Pursuant to defendants Moore, Carter, Byrens Plaintiff explained that he only had 14 days to respond to that motion in which was up, he was denied copies from the law library. That denial caused a delay in that case. Defendant Raymond Brown and Jeffrey Sobel was dismissed as defendants stemming from an court order on 5-23-2018, as uncontested, apparently Brown again ran out of postage copies Pursuant to DOC DC-ADM 903; Brown was unable to make copies to send out an motion in opposition to his adversary's motion. Brown was also unable to research Pursuance to his motion in opposition. The Business office started to conspire with officials in fixing Plaintiff's monthly Account Statement. Plaintiff Monthly Account Statement from 05/01/2018 - 06/01/2018 does not show his transaction for \$25 copies on 5-8-18. The Monthly Account Statement makes it look like Plaintiff still had allowance left for postage and copying.

On 6-4-18 the Business office refuse to send out Plaintiff's Manila envelope in which enclose were answers to defendants motion to dismiss for case 17-1138 *Brown v. Chester* count their reason being Plaintiff Account was in the red. They claim that Plaintiff had used up most of the postage allowance for the month of June 2018. This refusal to send out Plaintiff motions to the U.S. District Courts caused a delay and could cause another dismissal in Plaintiff's case.

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Plaintiff's first trip to the RLU while of Sgt Huntington he was deprived his legal book from 12-1-18 through 12-28-17 in which Plaintiff did not have any of his legal work with him during that time. Plaintiff was unable to contact Sommers for case 17-1138 in which delay the case. Plaintiff had just gotten summons or the USM 255 form the form used for summons. See Exhibit 51-5. Plaintiff was deprived his legal papers or box because he would not sign the inventory sheet while in the property room because he notice he was missing some legal property. See Exhibit 81-1. During Plaintiff's next trip to the RLU 01-22-18 Plaintiff again was deprived of his legal boxes. Plaintiff did not get a Property exchange until 2-25-18. Plaintiff notice he was miss in 8 two boxes of legal work see Exhibit 111-5. Brown then denied legal papers from the off box he had left in the property room because he did not bring out legal papers to exchange; this was the same time Brown was afforded by Co. Placinta Brown two legal boxes that was missing 4 had alot of Exhibits from his Criminal appeal, and Exhibits of many of his Civil cases including statements, grievances and medical records, alot of information that would help him at trial.

Plaintiff is also ascertaining his access to the courts is limited because he is being deprived of the RLU law library. Plaintiff has only been admitted to the law library 2 times and has been in the RLU going on 200 days in which is impairing his ability to file claims and preventing Petitions from being ruled upon. see Coley v. Chester Police Dept 2003 U.S. Dis LEXIS 15474 (ED. PA. July 31, 2013) or Trujillo v. Williams, 465 F.3d 1210 (10th Cir. 2006). This denial of access is affecting my pending litigation, and impairing my ability to research answer to adversary's motions because of lack of research. See Brown v. Cite. 16-11640 defendants motion to dismiss was Granted stemming from a court order dated May-22-2018. Brown is unable to research law numerous case laws and primary reasons for the case being dismiss with out Prejudice. This has imposed atypical and significant hardship on Brown in relation to the ordinary incidents of Prison life.

Prisoners have a constitutional due process right to access to the courts. This right of access must be adequate, effective, and meaningful. It requires Prison authorities to assist inmates in preparing legal materials by providing assistance from individuals with legal training, access to a law library, or some combination of both. Further, to bring a successful claim, the Plaintiff must show that the denial of access affected his impending litigation in some manner.

Count XI Procedural Due Process

Plaintiff brings Procedural due Process claims against Policy makers John Wietzel Kauffman, and hearing examiner S. Ellenberger, P.R.C.

For a Prisoner, a deprivation of a legally cognizable liberty interest occurs when the Prison imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of Prison life. Lesser restraints on a Prisoner's freedom are deemed to fall within the expected perimeters of the sentence imposed by a court of law. If the Prisoner has no protected liberty interest in remaining free of disciplinary custody, then the state owes him no process before placing him in disciplinary confinement. Sandin v. Conner, 515 U.S. 472, 481 132 L. Ed. 2d 418, 115 S. Ct. 2293 (1995).

In deciding whether a protected liberty interest exists under the Sandin standard the Court considers the duration of the disciplinary confinement and the conditions of that confinement in relation to other Prison conditions. See Shoats v. Horn 213 F.3d 140 144 (3d Cir. 2000) In Wolff v. McDonnell, 418 U.S. 539 (1974), the Supreme Court found that, when Prisoners lose good time credits because of a disciplinary offense, they are entitled to 1) written notice of the disciplinary violation; 2) the right to call witnesses at their hearing; 3) assistance in preparing for the hearing; 4) a written statement of the reasons for being found guilty; 5) a fair and impartial decision-maker in the hearing.

Plaintiff is claiming officials at Camp Hill forced a write up on his on 9-28- see class 1 #35 refusing to obey order and #15 threatening an employee, all because he had filed complaints or grievances against Sgt Zimmerman and Smith. Brown's Procedural Due Process was then violated; officials ignored Plaintiff's injuries in which his hand is stained on the gate by Myers, the same actor that wrote Plaintiff up for allegedly threatening him and having an "aggressive stand". Although Brown was only in the RLU for 28 days; Brown was deprived witnesses at the hearing, assistance in preparing for the hearing the hearing was conducted through the door; the hearing officer then lied pursuant to what Brown told him about the write up.

Prison officials "imposed" atypical and significant hardship on Plaintiff in relation to the ordinary incidents of prison life. See *Sandin v. Conner* 515 U.S. 472, 84, 132 L. Ed. 2d 418, 115 S. Ct. 2293 (1995). Brown was subject to two sexual assaults at the hand of his cellmate after official LT. Gidea put Brown in one cell then took him out and put him in a cell with his inmate with a history of violence and sexual assaulting his cellmates; all because in LT. Gidea words Brown was a "faggit litigator rat, and a smart ass!" Brown suffered serious injuries that was ignored by security and the medical department.

Lesser restraints on a prisoner's freedom are deemed to fail "within the expected parameters of the sentence imposed by a court of law." If Brown had no protected liberty interest in remaining free of disciplinary custody, then the state owed him no process before placing him in disciplinary confinement.

Plaintiff next write up was on 12-1-17 at SCI Huntingdon, class 1 # 35 refusing to obey order and #17 threatening another person. Plaintiff was written up after official attempted to take him out of a single cell and put him with a cellmate because he was filing grievances on members of security for forcing him to write a statement asserting he will be safe in population and also forcing Plaintiff to sign a liability bunking sheet. Plaintiff accepted on 12-1-17 he was having mental issues after the last sexual assault he suffered while at camp Hill in which he was having suicidal and homicidal thoughts out of fear of being a victim of another sexual assault. See Exhibit P1-136 Plaintiff was deprived the right to call witnesses at the hearing in assistance in preparing for the hearing. Plaintiff was written up again on this was two days later while in the RHU for the same thing. See Exhibit P1-136 At no time did Plaintiff refuse a cellmate at that time. He asserted to the court that he was having no mental issues and his symptoms of hearing voices, homicidal and suicidal thoughts. Both hearings was held together. Plaintiff was given 30 days for each write up in which were concurrent. Plaintiff appealed both write ups to P.R. and Superintendent Kevin Kauffman, then to central office. All appeals were denied. During this time Plaintiff was put in a cell for days in officials in which he was naked and the air was turn all the way up. This custom is so popular it has a nickname "Blue-sing." After this Plaintiff was put in a cell by Kauffman and other officials in which he was subject to deplorable conditions. There was human waste all over the floor and smeared all on the walls. Plaintiff was also deprived of his trays during this time. Plaintiff was forced to stay in this cell for over 30 days. Plaintiff complained to prison officials about the conditions, but they did nothing.

Plaintiff is also challenging his next few write ups under procedural due process. On 1-22-18 Plaintiff was written up by N. Moore for refusing to obey order and threatening an employee. Brown is claiming this was another false write up in which officials lied just to get Brown back to the RHU because he was writing grievances and was labeled a "Whistle Blower." See Exhibit D1-4. Officials then denied Brown of his hearing, or to call witnesses, and his right to prepare for the hearing with an assistance. Plaintiff was found guilty for disobeying order and the threatening on employee charge was dismissed. See Misconduct # D081229. Officials imposed a 30 day sanction on Plaintiff. Exhibit A # 1-6.

On 1-25-18 Plaintiff was written up again for refusing a cellmate. Plaintiff was deprived of an hearing and a chance to call witnesses, and an assistance to prepare for the hearing. A 15 day sanction was imposed consecutive to his current term. See Misconduct # D031736. Plaintiff was subject to assaults and sexual assaults at the hand of his cellmate while in the RHU. Officials were aware that Brown was a homosexual and would be a target because of his inmate characteristics. Not only that officials were aware that Plaintiff cellmate Allen was on his enemy list. Brown was force in a cell with this inmate. Brown was then assaulted in front of officials when he was put in the cell because inmate "Allen did not want him as a cellmate." The assaults did not stop. From 2-3-18 through 2-8-18 Plaintiff was subject to multiple sexual assaults and assaults in which officials conspired to keep Plaintiff in the cell with his "monster."

Allen attempted to rape Brown on 2-6-18. Brown told officials but nothing was done. On 2-7-18 Plaintiff was sexually assaulted and officials was aware but they did nothing to remove Brown away from his attacker in which was contrary to Policy. Brown was again sexually assaulted later that night or in the middle of the night. In *Sandin v. Conner* 515 U.S. 472 (1995) the court found that

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Unless the relationship between an inmate and a significant wardship on the inmate in relation to the ordinary incidents of prison life, then there is no right to the five procedures laid out in Wolff. Brown is claiming he was treated differently than the way most prisoners were treated, and the treatment was less awful.

Plaintiff next write UP was misconduct DO31777 see Exhibit T1-6 on 2-8-18 Brown was written UP by K. Myers class 1 #35 Refusing to Obey an order. Apparently told B. Harris and other c/o's that he was not going back into cell 108 because he had been sexually assaulted and the actor asserted there would be more assaults if he came back into the cell. Plaintiff was told to go back into the cell after or during showers in which he refused and made officials aware of what he refused. Although Brown had a hearing for this write up he was denied a chance to call witnesses and to have an assistance help him before the hearing. Plaintiff was found guilty after the hearing examiner asked him if he refuse to go in the cell, in which he stated "yes" then told him why. At no time did Brown Plead guilty or Plea guilty. Plaintiff was given 30 days consecutive to the time he was already doing.

Although Brown was put into a single cell during this time he was deprived of medical attention and left in pain and was deprived of pain medication for his injuries. Brown was also subject to death threats and was harassed by other inmates after he meet with the state police pursuant to his claims. Officials kept Brown on the same unit as his attacker and inmates would beat on Brown's wall all hour of the night calling him a "gay rat." Officials deprived Brown of his trays. During this time inmates that was in a gang with the attacker Allen, was sending death threats directed at plaintiff, asserting "If you go back to Population we was send you out in a body bag." Plaintiff told his counselor and other officials this, but nothing was done.

Brown next write UP was on 2-13-18 by CO. Piorinik see Misconduct # DO31797 Brown was charged with class 2 #35 refusing to obey an order after Piorinik ask him to take a cellmate in which Brown refused. Brown was refused a hearing, Brown was denied the right to call witnesses, Brown was denied assistance. 30 days was imposed. Brown Appealed this again see Exhibit T1-13 P.R.C. and Superintendent Kauffman claimed their Policies does not require Brown to be given a single cell because he was sexually assaulted, apparently there was nothing wrong with CO. Piorinik wrote UP. Brown appealed to central office. The DOC then wrote Brown asserting he plea guilty to both misconduct DO31777 & DO31797. Apparently Brown never had a hearing for Misconduct # DO31797 he was found guilty with out going to a hearing. he was never asked to go to a hearing.

Brown next write UP was on 3-21-18 when C/O Fochtman told Brown he would be going to Population on A-A to cell 11P with Allen. Brown refuse. The court should note that C/O Fochtman was aware of Brown's sexual assault claims because he was one of the officials that conspired to keep Brown in the cell with inmate Allen. After Brown was sexually assaulted on 2-7-18 he came to the cell door asserting "We don't make courtesy moves." This CO was also aware that Brown was getting death threats from other inmates asserting "If he goes to Population he would be send out by in a body bag." This official was aware that Brown meet with state police and members of Allen Gang and Allen did not like that. CO Fochtman came back to Brown's cell door asserting "I was ~~just~~ joking Allen is not in Population yet, but, you will be getting a cell in Population on the block you came from. Brown again told Fochtman he could not go to Population because of the death threats he was getting from Allen's gang member friends. Not only that, that inmate

Jackson Brown's old cellmate in which was on Brown's Enemy list was on that same block and was in Allen's gang. See Misconduct # D113453 or Exhibit W1-5 Plaintiff was given a class 1 write UP #35 for refusing to obey an order. Because he refuse to go to Population, the same block he left in which he had an enemy. Again Brown was denied a hearing. Brown was allowed to call witnesses or assistance. Preparing for the hearing, Brown was deprived Appeal Papers to appeal his write UP. Brown was given 30 days D.C. time by hearing Examiner S. Ellerherger.

Brown next write UP came on 4-18-18 when CO. Zohinsky told him he would be going to Population on A-A block. This C/O also told Brown that inmate Allen was no but the hole and was on A-A block. Brown refuse to go to Population and he was written UP see Misconduct # DO48747 or Exhibit W1-5 class 1 #35 refusing to obey an order. Again Brown was deprived a hearing and denied a right to call witnesses, and

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he was denied the right to an appeal. Brown then attempted to appeal this write up after he was given 30 days and he would not get a response from P.R.C. or Kauffman.

Brown next write up came from LT Maxwell on 4-26-18 for class 1 large 42 Yimg to an Employee. Apparently Maxwell claimed he conducted a P.R.E.A investigation and the investigation was "unfounded". Maxwell did not give any details of how or why his alleged investigation was "unfounded". He did not put out witnesses down, see Misconduct # DO81010. Brown was again deprived of a hearing, a right to call witnesses or appeals orders to appeal the write up. Brown was given 30 days DC Time. Brown is claiming that these right ups were contrary to policy and was violation of his due process by way of procedural. The write ups from 1-22-18 through 4-26-18 were clearly forced on Brown out of retaliation in which will effect his good time and is also a way to keep Brown in the RTHU on DC status. Brown is claiming his Procedural Due Process Rights were violated under Wolff v. McDonnell, 418 U.S. 539 (1974) and under Sandin v. Conner, 55 U.S. 472 (1995). Under Wolff the Supreme Court found that, when prisoners lose good time credits because of a disciplinary offense, they are entitled to: 1) written notice of the disciplinary violation; 2) the right to call witnesses at the hearing; 3) assistance in preparing for the hearing; 4) a written statement of the reasons for being found guilty; and 5) a fair and impartial decision-maker in the hearing.

Brown did not have a fair and impartial decision-maker in the hearing because Hearing Examiner S. Ellenberger was aware Brown was being deprived the write up after these hearing to defend himself and nevertheless ignored the fact and imposed sanctions on Brown. When Brown was given the chance to attend the hearing & denied Brown's witnesses, he also deprived Brown from assistance in preparing for the hearing. Brown had a liberty interest to not only be in the hearings but also to call witnesses and also a fair decision-maker at that hearing.

Brown is claiming that there is a link between the hearing examiner's inadequate customs at these hearings and Brown getting deprived to attend the hearing to Brown's 189 days and counting stay on disciplinary custody, in which Brown is being deprived of things inmates on Administrative custody or in notes in population have access to: such as food, visits, cigarettes, etc.

See Mitchell v. Horn 318 F.3d 523, 2003 U.S. App. LEXIS 1433. The second important Supreme Court case is Sandin however sharply limits the decision of Wolff and sets a higher standard that an inmate has to meet to show he should have more liberty interest, see Sandin v. Conner, 55 U.S. 472 (1995). The courts in Sandin found that, unless the punishment received caused "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life", there was no right in the five procedures laid out in Wolff.

Brown is claiming he was subject to hardship from his first write up with the DOC on 9-28-17 in which he was subject to sexual assaults while at camp Hill in the RTHU and getting deprived of his trays. To Brown's next write up on 12-1-17, Plaintiff was subject to being put in a cold freezing cell for days while naked. This custom is so common it has a nickname "Blues 19". Plaintiff was then put in a cell that was smeared with feces. Brown next few write ups caused him an extended stay in the RTHU under disciplinary custody. Plaintiff was written up on 1-22-18 in which he was falsely charged with a misconduct out of retaliation. Plaintiff was then put in a camera cell as his mental health issues were ignored. He was then subject to other write ups in relations to refusing a cell. Plaintiff was forced in a cell with a known enemy in which he was subject to brutal assaults and sexual assaults from 2-3-18 through 2-8-18 causing him physical and mental injuries.

Officials failed to attend to Plaintiff injuries after conspiring to keep him with in the cell. Brown was subject to more write ups for refusing a cell after he was taken away from his attacker on 2-8-18. During this time Brown was subject to retaliation after he made state police aware of his claims. Officials deprived Brown of many trays, recreation, showers. Plaintiff was also subject to excess force while in the Porterville Prison causing him injuries. Brown's physical injuries suffered could support his emotional injuries. Brown is alleging officials actions stemming from his write up on 9-28-17, 12-1-17, 1-22-18 and through his 189 day stay in the RTHU after 1-22-18 in which he was also subject to deprivation, pain in which all put his "life and health in jeopardy".

Brown is claiming he has a liberty interest to be free from such regulations and prison conditions while in administrative segregation. Prison conditions in Brown's case clearly imposed an atypical and significant hardship on Brown.

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Brown is asserting that the 14th Amendment was violated by P.R.C. or Program Review Committee. Brown is asserting that the Program Review Committee did not fulfill its mandate to interview him every 30 days pursuant to his disciplinary custody cases in which it is a commonwealth of P.A. Dept of Corr. Disciplinary and Restricted Housing Procedures See Policy Statement DC-ADM 801 VI (D)(9) (Sept. 20 1994).

The same group called other inmates from Brown's Housing Unit for interview every 30 days, like a inmate Flowers that was next door to Brown. Plaintiff is claiming this move was deliberate and motivated by unit manager Kendrick. Kendrick was aware Brown's claims against him. Kendrick is also the Unit Manager and P.R.C. member. Plaintiff asserted to Brown through the doors that he would make sure P.R.C. does not meet with Brown to address his issues. Plaintiff also wanted Brown to go to Population, after he was aware that Brown had inmates sending him death threats, in which they were members of a violent gang called the "LIFERS" that all had life in which one of the members Allen had sexually assaulted Brown. Brown lived his Counselor Richards a death threat letter from one of the gang members to make copies, with a statement from an inmate Ivan Castillo LS3066 in which this inmate wrote that members of the gang told him that Brown is a rat, and he was killed by Allen and if he goes to Population he would be attacked by inmate who makes "killin" Allen and other gang members. Brown Counselor confiscated both letters on 2nd of May and told Brown that Kendrick and Maxwell had it. Brown role both actors asking for copies, both actors would refuse.

Brown is claiming the P.R.C. were conspiring not to meet with him so that officials could force write ups on him for not taking a cellmate and going to Population. See Misconduct # DO31736 also see DO31777 Brown was written up after he told officials he would not go back in the cell because he was sexually assaulted wearing and found guilty. Also see Misconduct DO31797, on 2-13-18 in Plaintiff's order after he was assaulted by another inmate in the P.R.C. fail to interview Brown. Brown was also detained at a hearing. Also see Misconduct # D113453 or Exhibit W-2 Plaintiff was given a class and write up for refusing to obey order to go to Population. Or see Misconduct # DO48747 or Exhibit W-2 after Plaintiff gave his his Counselor Richards two different notes pursuant to inmate planning an attack on his Population. P.R.C. failed to interview Brown pursuant to Procedure Policy DC-ADM 801 VI D9. Also see Misconduct # 19889 on 6/18/18 Plaintiff was asked or told to go to Population, Plaintiff when asked what block officials stated Block A-A live are housing you with inmate Allen. Brown refused and told officials that was the same actor that raped him. Brown is claiming these write ups and forced and PRC is violating his Procedure due Process

Count XII Substantive Due Process

Plaintiff is bringing Substantive Due Process claims against P.R.C., Kendrick, Counselor Richards, G. Green, Unit Manager Kendrick, C/O Roemik, PA. Gomes, LT Gildea, Superintendent Harris.

"The Protection of substantive due process have for the most part been accorded to matters relating to marriage, family, procreation, and the right to bodily integrity. Albright v. Oliver, 510 U.S. 266, 272, 114 S. Ct. 807, 137 L. Ed 2d 114 (1994). 'Every violation of a person's bodily integrity is an invasion of his or her liberty.' Washington v. Harper, 494 U.S. 210 237, 110 S. Ct. 1028.

Plaintiff is claiming he has an federally protected liberty interests under the Due Process clause. Plaintiff is claiming conditions while in the R.H.U. violated his Substantive Due Process. Conditions that are reasonably related to a Penitentiary interest in maintaining Prison Security typically pass constitutional muster. The R.H.U. is a segregated housing unit where inmates may be placed for either administrative or disciplinary reasons. Inmates are confined in solitary or near-solitary conditions in a six-by-eight foot cell for 23 to 24 hours a day with little or no opportunity to interact with other inmates. They face reduced access to medical care, sensory deprivation, and increased suicidal tendencies. Administrative or disciplinary detention in the R.H.U. can occur for a variety of reasons, from a write up, or if an inmate presence in the general Population poses a serious threat of life, property, self, staff or other inmates or the security or orderly running of the institution.

Plaintiff transferred in the D.O.C. from a county jail, on 9-28-18, Plaintiff was admitted into Camp Hill R.H.U. from a forced write up. Plaintiff made LT. Gildes aware he was a homosexual and feared to be housed with other inmates. Plaintiff was force in the cell with an inmate with a violent history of sexual assaults. Plaintiff was sexually assaulted on 10-1-17 in which was witness by LT Gildes and another C/O. Plaintiff was sexually assaulted a game in 10-4-17 in which he suffered more injuries and was deprived medical attention. Plaintiff was also deprived of trays and showers during this time. Plaintiff also suffered emotional trauma, fear, and shock.

Brown is also allegedly he was falsely charged with misconduct out of retaliation for filing grievances and he was known as a litigator; because of this he was subject to violence in the R.H.U. and deprivation. See Smith v. Muncie, 293 F.3d 641, 653 (3d Cir 2002) Brown had a protected liberty to be free from punishment while in the R.H.U.

Brown was transferred to Sgt Huntman, then transferred back to Camp Hill to talk to state police. During this time Plaintiff meet with Superintendent Harry and asserted his concerns pursuant to being a homosexual and being housed with other inmates. Superintendent made Brown aware that his claims were causing a lot of heat in her prison. She was also aware that Brown Cellmate told this Superintendent and other officials he did not want to be housed with Brown, because he was a rat & a homosexual; in which he asserted "I will send him to medical with his shit open." Brown was force in the cell and was assault. Brown was deprived medical attention and suffered another assault after he made Harry and Frances aware.

Plaintiff meet with RA Gomes and Paula Price on 11-15-17 he made both actors aware of his on going injuries suffered at camp Hill, fracture right testis from the Anal and internal bleeding, numbness on the left side of the head Pain in hornier area. Gomes conducted a rectum exam against Brown's will. After Brown told him he was in too much pain that the exam would cause him more pain and bleeding in which was the case. Gomes did not use gloves and conducted the exam in front of female and other inmates. The invasion was intrusive and it created a substantial risk of permanent injuries. See Washington v. Harper, 494 U.S. 210 237, 110 S.Ct. 1028. Brown's right to bodily integrity was violated in which this should withstand the "physical and intellectual" dimension to liberty.

Plaintiff was admitted into the R.H.U. on 12-1-17 for refusing a cell game. Plaintiff was retaliated against after filing a grievance on LT. House and another staff member. Plaintiff was forced in a cell next to freeze this custom is so common it has a nickname "bluesing." Plaintiff was then put in another cell that was infested with O.C. and another inmate's Feses by Kauffman because he was a whistle blower. Plaintiff was subject to sleep in this cell in which officials deprived him of his trays, legal mail and papers, showers and recreation. Plaintiff left the R.H.U. on 12-26-17 and return 1-22-18 after official more forced a write up on him, for threatening a staff and disobeying order, although threatening a staff was dismissed. Brown never had a hearing for this write up and was found guilty.

Plaintiff then meet with LT. Maxwell, Unit Manager Kendrick, Sippie Kauffman and others and asserted his concerns that he suffered from fear and shock and no Plonick was attempting to put him in a cell with an enemy. Plaintiff was also part of a violent gang called "The Lifers." This inmate was extorting Brown in population with help from his friend Brown's cell mate Trickson. The reason being because Brown was a rat and a homosexual. Officials forced Brown in the cell with this inmate around 2-3-18. Brown was subject to multiple sexual assaults and assaults of the hand of inmate Allen during his stay in this cell. Officials like Plonick, Kendrick, Kauffman, Dunkel, Heaster, Younker, Fochtman and others all conspired in keeping Brown in the cell although they were aware and witness Brown get assaulted.

Plaintiff is claiming his liberty interest was not protected through officials action. Kauffman and Kendrick was aware and Maxwell of the risk that Brown would face by being put in a cell with a violent gang member that was extorting him in population. Plaintiff also made them aware that the fact of he was a homosexual would make him a target. Brown faced strict restriction outside the context of protected liberty interest. See shorts v. Horn 213 F.3d 140, 144 (3d Cir 2000)

During this time Brown wrote countless grievances in which official C. Green and LT. Maxwell failed to conduct and investigation on those matters. Green and Maxwell fail to discipline officials for their actions in which retaliated officials like C/O Plonick to retaliate against Plaintiff. This C/O would deprive Brown for his trays and set in his trays or put his grievances in the

mail box so it would be confiscated. Brown would write grievances asserting time and dates of officials' actions, asking Green or Maxwell to check the cameras on the block. Brown request would be denied. In one grievance # 731066 Plaintiff asserted c/o Plocinik came to his door and started to harass Plaintiff while he was using the bathroom. He then told Plaintiff to suck on his thumb as if it was inmates Allavis dick then stick it up his anal after Plaintiff eat the tray that this c/o gave him he passed out and hit his head. Inmate Ivan Castillo LS3666 wrote a statement for Brown asserting he harassed this c/o harassing Brown; he also wrote another statement asserting other inmates from the "lifer gang" and told him Brown was a rat and that he is a rat. This grievance was never investigated by C. Green's

Brown grievance was denied and was told it's a P.R.E.A. grievance. Brown wrote Maxwell and ask him to investigate the matter in which he refused. Brown then asked the note/statements to Counselor Richards to make copies. This Counselor then told Brown that Maxwell and Kendrick had confiscated Brown statements that if he goes to Population he would be attacked and the statement in which another inmate heard c/o Plocinik sexually harassed Brown.

On 2-25-18 Plaintiff was subject to an assault at the hand of c/o Plocinik and LT Eberling. These officials cornered Plaintiff during a Property exchange. They then started to ask Plaintiff about his sexual assault claim. Brown was then hit with an elbow to the back. Plaintiff was then hit in the stomach and he started to bleed. He was hit by Plocinik with a swinging mass can; this official then started to yell how he hate homosexuals and niggers. He then grabbed Plaintiff nuts and pulled on it. The act of violence Plaintiff suffered out of retaliation was never addressed by Miss Green through the grievance system, nor was it addressed by Brown's counsel Richards, or Maxwell. Brown did not get a response from his grievances in which motivated c/o Plocinik to keep depriving Brown for his trays, and other officials like c/o Garlik, c/o Wevant, c/o Fochtman to deprive Brown for food, showers rec, and to harass Brown.

Kendrick is the Unit Manager in the R.H.U. and is a P.R.C. member. Brown's claims in condition of confinement claims and continue abuse in retaliation is motivated by Kendrick and P.R.C. not conducting regulation. P.R.C. is failing to meet and interview Brown after his time is up from his disciplinary write ups. This is so they can not address Brown's issue. Brown put in an order for Potentia custody in which were ignored by P.R.C. and Kauffman. Officials actions has caused hardship in relation to the ordinary incidents of Prison life.

Count XIII Deliberate Indifference

Count XV Negligence

Count XX Medical Malpractice

Plaintiff is bringing claims of deliberate indifference to his serious medical need, negligence, medical Malpractice against PA Games, Dr. Shaikh, Nurse Jennifer, Dr. Edwards, Dr. Steve, PA King, Nurse Nikienka, Beth, Nurse Trice, Nurse Hollie, Dr. Kevin Kollman, Paula Price, Cousin, Goss, Bob, Lisa. As a general matter, the Supreme Court has determined that failure to provide adequate medical treatment violates the Eighth Amendment only when it results from deliberate indifference to a prisoner's serious illness or injury. *Estelle v. Gamble*, 429 U.S. 97, 105 (1976). In order to state a claim that the Prisoner must plead that his medical needs were serious and that Prison officials were deliberately indifferent to those needs. *Inmates of Allegheny County Jail v. Pierce*, 612 F.2d 751, 762 (3d Cir 1976). A medical need is serious if it is "one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a doctor's attention." *Woloszyn v. County of Lawrence*, 396 F.3d 314 (3d Cir. 2005).

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must establish 1) the violation of a right secured by the Constitution, and laws of the United States; and 2) that the alleged deprivation was committed or caused by a person acting under color of law. West v. Atkins, 487 U.S. 42, 48 (1988); Precknick v. Pennsylvania, 36 F.3d 1250, 1255-56 (3d Cir. 1994). Section 1983 affords no substantive rights to Plaintiff, but instead, merely "Provides a remedy for deprivations of rights established elsewhere in the Constitution or federal laws" Kolter v. Tate, 361 F.3d 772, 775-776 (3d Cir. 2004).

The Eighth Amendment prohibits "deliberate indifference" to a prisoner's serious medical needs. Estelle v. Gamble, 97 S. Ct. 285, 291 (U.S. 1976). To state a cognizable claim under 1983 the Plaintiff must allege (i) a serious medical need, and (ii) acts or omissions by prison officials that indicate deliberate indifference to that need. Natale v. Camden County Corr. Facility 318 F.3d 575, 582 (3d Cir. 2003). Mere allegations of medical malpractice are not sufficient to state a claim under 1983.

Under Negligence, and Medical Malpractice; Pennsylvania law on negligence, and in particular the law on breach of a duty of care is explained in detail in the case of E.J. v. Tri-county Big Brothers Big Sisters Inc. 692 A.2d (Pa. Super 1997). The elements of a cause of action based on negligence are a duty, a breach of that duty, a causal relationship between the breach and the resulting injury, and actual loss. Rurman v. Golar & Co. Inc. 426 Pa. Super 209, 616 A.2d 657 (1992); Casey v. Geiger, 346 Pa. Super 279, 492 A.2d 606 (1985). When considering the question of duty, it is necessary to determine "whether a defendant is under any obligation to the benefit of the particular Plaintiff," and, unless there is a duty upon the defendant in favor of the Plaintiff which has been breached, there can be no cause of action based upon negligence. Hoffman v. Sun Pipe Line Co. 340 Pa. Super 109, 114, 575 A.2d 122, 125 (1990).

To prove a duty for ordinary negligence or medical malpractice, Plaintiff must show that the Defendants had a duty to the Plaintiff under the circumstances and breached that duty.

On or around 08/09/2017 Plaintiff was admitted to Camp Hill; he met with an unknown medical official in which he asserted, was on going medical condition; nothing was done for Plaintiff. Plaintiff was then housed on the old side of the jail where there was no ventilation to blow air in the middle of the summer. Plaintiff asserted his concerns to an unknown nurse around 08/10/2017, telling her it was hotter than "Ozone Layer" in the cell and he was having a hard time breathing. Plaintiff's concerns were ignored.

On 08/22/2017 Plaintiff had symptoms of a heat stroke as he attempted to walk to the gate he collapsed. Upon awakening Plaintiff noticed he had chest pain and head pain. He then told a Sgt. Zimmerment he needed medical attention. His request were ignored. While Plaintiff was walking the hall on the way to his cell he ran into a Dr. Shaikh. He told Dr. Shaikh that he was just admitted into the D.O.C. and that he was not on any medication, it also assured that he had an concurrent heart condition in which he was diagnosed with while on the street. Brown claimed his condition was causing him acute, severe pain and or sensitive sharp pain through the heart area. Brown also asserted the last time he was hospitalized his cardiologist told him that his heart was not pumping blood or enough blood to supply the body tissues adequately in which put Plaintiff in a state of cardiac arrest. Brown predicted that the last institution he was in was depriving him medication for his condition and consistent electrocardiogram as required, making his injuries to worsen.

He also made Dr. Shaikh aware that he suffers from chronic asthma attacks and that he did not even have a respirator. Plaintiff then stated that he had been stabbed in the eye and as a result of officials deliberate indifference he has a stigma in the lens of his eye causing distortion or preventing light rays causing poor eyesight and sharp pain, double vision, and that officials at Greentown did nothing for him. Plaintiff asserted to Dr. Shaikh that he had told officials at the dogs at Camp Hill but nothing was being done in which on 08/22/2017 he suffered a heat stroke like attack falling and hitting his head; upon awakening he told a Sgt. Zimmerment and he was deprived medical attention. Plaintiff made it clear that his head was still in pain see Exhibit A.C. 1-2

Dr. Shaikh went to his computer and looked up Brown's medical file and asserted that his back, nose, leg and Asthma was documented, but there was nothing in the computer about a heart condition or eye condition. He then stated that it was custom that nurses would not log serious injuries or condition unless the inmate had a court order or outside medical insurance to get treatment.

Dr. Shaikh then told Brown although his medical issues were indeed serious that he would need a court order to get treatment. Dr. Shaikh did nothing for Brown, not even putting him down to see a nurse for pain medication. Plaintiff's head pain was never examined. Dr. Shaikh's actions showed deliberate indifference. Dr. Shaikh was also negligence to Brown's injuries in which he had a duty to treat Brown and left Brown's injuries untreated asking him for a court order.

Around 10/15/17 Plaintiff met with a nurse Jennifer through the door while in the R.H.U. at Camp Hill. She asked why Plaintiff was talking low in which he replied "I was sexually assaulted by my cellmate and I told cops about nothing is being done and the attacker is currently sleep I don't want to wake him up." Brown stated his on going symptoms pain in ribs, and nose, ankle pain head and neck pain. She then told the C/O can see contusions on his face; we have to pull him out." He then told nurse Jennifer that he was bleeding out the anal and it would not stop. She again told the C/O "we have to pull him out."

The C/O then asserted we have orders not to. This nurse then told Brown Jennifer was on 11/1/17 after he was assaulted by his inmate "Willson." Plaintiff told nurse Jennifer that he had come back to camp Hill and was housed on R-block and that he was sexually assaulted and just suffered more injuries because he was forced in a cell with an inmate that did not want a homosexual inmate in the cell with him. She stated she remember Brown's. She then asked if all the blood on Plaintiff's clothing was his blood in which Plaintiff asserted yes.

Apparently blood was still pouring out of Plaintiff's nose and would not stop. Jennifer then ran off and grabbed other officials in which they all conspire and deprived Plaintiff medical attention. At no time did nurse Jennifer take the time to evaluate Brown's injuries. Plaintiff was sent back to his housing unit still bleeding. Brown is bringing count XIII, count XV and count XX against nurse Jennifer for depriving him treatment.

Plaintiff also met with both nurse Bob and nurse Lisa while in the R.H.U. at Camp Hill. Plaintiff first met with Bob after he had met with Jennifer, telling him he was being deprived medical attention and the his on going injuries were from a sexual assault at the hand of his cellmate. Again Bob asked the officials to pull Plaintiff out the cell in which they refused. Nurse Bob then came back to Plaintiff cell door asking what his injuries were and he asserted numbness on the left side of his head, and he was bleeding from his anal in which he was in so much pain he was unable to sit. Groin pain, Hip Flexor Pain, back pain, ankle and leg pain.

Although Bob wrote all this down he did nothing for Plaintiff. Before walking off he asserted "Sorry but there's nothing I can do for you." This is a bad place to be and one of the worse in the state. Again Brown was deprived medical attention by nurse Bob leaving him in unwanted pain. Plaintiff then wrote a sick call on 10/7/17 see Exhibit A-EI-2. Plaintiff next meeting with a medical staff was with nurse Lisa. At this time Plaintiff was in the cell by himself. He told Lisa what he had told Bob and Jennifer. He asserted he was in a lot of pain and would like medication. Lisa told Brown "I really want to help but they won't let me." Again another medical professional did nothing for Plaintiff.

Because Society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are serious. "Hudson v. McMillian, 112 S. Ct. 980, 1000 (1992) (citing Estelle, Supra). Brown told Lisa and Bob both his serious medical issues that he had suffered an sexual assault at the hand of his cellmate not one but two. Both Bob and Lisa were free to ignore Plaintiff's injuries because security told them he's fine. Officials actions showed deliberate indifference.

Plaintiff also met with Dr. Edwards while in the R.H.U. through the door. At this time Plaintiff was in so much pain he was crying. Edwards asserted that Jennifer had told him about what happened but it was a custom that it's security over treatment while in the hole; that they can't really treat inmates while they were in the R.H.U. He told Brown he could do nothing for him until he gets out the hole. Plaintiff told Edwards all his pending injuries in which Edwards seemed concerned but did nothing to follow the medical regulations; pulling Brown out the cell to evaluate him. Plaintiff told Edwards that the numbness on the left side of his head would not go away; this was from hitting his head. Plaintiff also told Dr. Edwards he could not sleep or even sit because of his pain and symptoms; nothing was done for Brown.

Plaintiff next meeting with Dr. Edwards was also with Dr. Steve. This was 11/1/17 Brown also met with Beth. At this that Plaintiff asserted to Dr. Edwards, Dr. Steve, and Deb that Sgt. Sit. Leleux had send him down after an assault at the hands of his cellmate Willson. They asserted Jennifer just told him Brown then asserted that he was the inmate that was sexually assaulted while in the P.H.U. and that he got transferred to SCT Huntington while ~~in the~~ came back to talk to talk to the State Police.

Plaintiff also predicated that on the bus ride back to camp Hill he was force to sit in his feces for hours and had suffered cuts on his ankle and hand in which he told medical personnel at the door but they did nothing. Plaintiff told them asserted all his injuries from his back pain, to the numbness in the back of his arm, and ribs pain. At this time Plaintiff nose was still leaking with blood. At one point a unknown inmate asserted "Damn did you get in a fight with a UFC fighter?"

Plaintiff was told to sit down as all the medical staff walked in to a room next door. Plaintiff could hear Mary Beth on the phone; he could then hear Jennifer and Edward and Steve talking; "are you trying to get us in trouble?" that's the lawsuit guy, we can't treat him." An LT Frances and Superintendent ~~and Frances~~ was called was called. Plaintiff was told to sit outside medical; Brown could now hear Frances and Harry talk to the medical officials. After the talk Frances came out and told Plaintiff he has to go back to his housing unit in pain with no medication and nose still bleeding bad!

At no time was Plaintiff evaluated by Mary Beth, Steve, Jennifer, or Edwards. Plaintiff injuries were obvious and he was denied medical attention. For this reason, Plaintiff injuries worsen causing him more pain. A medical need is only considered "serious" if it is "one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a doctor's attention." *Monmouth County Correctional Institutional Services v. Lanzaro*, 831 F.2d 326, 217 (3d Cir 1987). A medical need may also be "serious" if it can be reasonably said to cause "wanton and unnecessary infliction of pain" or result in permanent disability or loss.

In a recent unpublished opinion in *Brown v. N.J. Dept. of Corrections*, 2014 WL 149579 (D.N.J. October 2, 2014), the United States District Court for the District of New Jersey held that allegations that a Plaintiff hurt his arm and back when he fell from a broken chair were not sufficient to demonstrate a "serious medical need."

This is not the case. Plaintiff suffered two sexual assaults and was transferred back to camp Hill, in which he suffered another assault at the hand of his cellmate; Plaintiff then sent to medical with his nose hanging off his face and blood all over his clothing in which he was denied medical treatment by defendants. In ~~order~~ order to be considered serious the detainee's condition must be such that a failure to treat can be expected to lead to substantial and unnecessary suffering, injury or death. Plaintiff is also asserting defendant actions showed negligence and or medical malpractice. Defendants had a duty to treat Brown and clearly breached that duty.

Plaintiff first met with P.A. King on 10-24-17; Brown made King aware that he was suffering from a variety of medical symptoms see Exhibit A, D, L, 6, including an oncoming heart condition in which Plaintiff was diagnosed with while on the streets, causing him acute and severe pain. Plaintiff stated to P.A. King the last time he was hospitalized his cardiologist adequately in which had Plaintiff in a stage of cardiac arrest. Plaintiff predicated that while in the county Jail and at camp Hill he was getting deprived medication in which his injuries worsen. Plaintiff also made King aware that he was suffering from acute Asthma attacks and that he did not even have an inhaler. See Exhibit A, C, L, 2. Plaintiff was under chronic Asthma clinic but was never called down to get evaluated. Plaintiff then told King that he was a victim of a sexual assault to the eye and it was left untreated in which was causing him a distortion and sharp pain and poor eye sight. Brown then asserted while at camp Hill he had suffered two sexual assaults in which the attacker was his cellie and that he was still bleeding from the anal, and had internal bleeding symptoms of fracture ribs, pain making it hard to breathe, and numbness to the left side of his head that would not go away stemming from the sexual assaults. As well as right shoulder pain, through the hand, sharp pain in and around the herniated disc area and groin area to the point he would have to force himself to walk.

Plaintiff was never called down to get evaluated. Plaintiff then told King that he was a victim of a sexual assault to the eye and it was left untreated in which was causing him a distortion and sharp pain and poor eye sight. Brown then asserted while at camp Hill he had suffered two sexual assaults in which the attacker was his cellie and that he was still bleeding from the anal, and had internal bleeding symptoms of fracture ribs, pain making it hard to breathe, and numbness to the left side of his head that would not go away stemming from the sexual assaults. As well as right shoulder pain, through the hand, sharp pain in and around the herniated disc area and groin area to the point he would have to force himself to walk.

Also his left Case 1:18-cv-01527-MED Document 1 Filed 08/01/18 Page 60 of 68
of pain. King asked Plaintiff to sign a cash slip. Brown asserted he was in debt that he did not have any money on his account at the time. King forced Plaintiff to sign the cash slip or leave so Brown sign. She then asserted that they were under founded that inmates would have to pay to get any treatment. She then stated to Plaintiff that she would only be evaluating his ribs area and that he would need a Court order to see a specialist.

PA King then asserted that Sgt Huntington was not responsible for his injury because it did not occur at Huntington. King started to feel around Plaintiff's ribs. Brown started to yell in pain. PA King then asserted "if they are fractured, they would heal on it's own." PA King then told Brown that he did not have money on his inmate account so he could not get X-rays or pain medication. Plaintiff was left in pain and his injuries worsen.

Brown again seen P.A. King after he was put in a cell naked to freeze for days. Brown was unable to walk. Miss King told Brown it was only "blueing" that he will be ok. King failed to even evaluate Brown. Plaintiff again meet with P.A. King on 2-22-18. He asserted to P.A. King that he was a victim of multiple assaults and sexual assault and that on 2-7-18 medical was called but told a co Johnson that they did not want to get involve. Plaintiff state all his injuries such as abdominal pain, bleeding and bruises in and around the anal, Neuralgia Pain, Inflammation of ankle and knee, broken nose, Chronic of his head and a big horn on the head along with ribs pain. PA King told Brown he would need a Court order to see a Specialist that she was unable to do anything for him see Grievance # 724081

In finding multiple bruises might not constitute as serious medical need see Stroud v Boorstein civil no. 10-3355, 2014 WL 2115499, 9 (E.D Pa. May 20, 2014). Brown is claiming he had very serious symptoms and P.A. King ignored them. King was deliberate indifference to Plaintiff on going serious injuries. Plaintiff internal bleeding and abdominal pain did not stop. King fail to even give Plaintiff pain medication. Plaintiff head injuries were never evaluated by King. Plaintiff still has numbness around his head.

Brown is also claiming negligence and medical malpractice. Duty in any given situation is predicated upon the relationship existing between the parties at the relevant time. Zanne v Gallagher, 345 Pa. Super 189, 497 A.2d 1332, 1334 (1985). Plaintiff meet with P.A. Gomes on 11-15-17 Brown asserted to Gomes that he had just came from Camp Hill and he was a victim of sexual assault in which he was being deprived medical attention. Plaintiff asserted to Gomes that his on going injuries was bleeding from the anal on going heart condition, and acute Asthma attacks, numbness on the left side of the head in to the right shoulders and hand and hip flexor pain and Groin pain, ribs pain. Gomes failed to address Plaintiff's injury he then told Plaintiff he would be conducting an anal exam. Plaintiff made Gomes aware that it would cause him more pain nevertheless Gomes conducted the anal exam against Plaintiff's will. The exam caused Brown more pain and bleeding.

Gomes did not even use a glove to conduct the exam. The exam was also conducted in the open in front of other inmates and female nurses. The invasion caused Plaintiff a lot of pain and more bleeding. After the exam Gomes did not prescribe Plaintiff any medication nor did he evaluate Plaintiff head injury or other injury. Plaintiff was left in pain. Gomes told Brown the best he could do is X-rays and the his injury did not have anything to do with Sgt Huntington. Gomes was deliberate indifference to Plaintiff injuries and then depriving him pain medication see Exhibit A E17. Gomes was also negligence and medical malpractice.

Gomes breach of duty put Plaintiff at risk in which was unreasonable. Plaintiff brings claims of Deliberate indifference, negligence, and medical malpractice against Nurse Nikie, Nurse Trice and PA Eric. Although Plaintiff meet with nurse Nikie, Trice and PA Eric on different dates, the out come was the same. Brown first meet Nikie on 10-23-17 when he was transferred from Camp Hill and that while in the R.H.U. he was subject to two different sexual assaults in which the attacker was his cell. Nurse Nikie told Brown she would prescribe him some medication. Brown then told nurse Nikie his on going injuries, Groin pain, Hip flexor pain, numbness on the left side of his head, his on going Asthma attacks, his leg injuries and ribs, heart condition, his eye or vision issues and that he was bleeding from the anal. Nurse Nikie did not order the pain medication she told Brown she would order. Nurse Nikie did not evaluate Plaintiff's injuries leaving him in pain. Plaintiff did not get a chance to see Nikie again because he was transferred back to Camp Hill.

Plaintiff next interaction with nurse Nikie was not till around 2-15-18 after he was subject to another sexual assault this time in SCI Huntington Prison. Plaintiff first met with nurse Trice on the night of 2-14-18, and told her he was getting deprived sick rolls and medical attention. That on 2-7-19, medical had refused to see him. Plaintiff told ~~nikie~~ the same thing he would tell nikie the next day. That he was already suffering head injuries and that on 2-6-18 his celly had pulled him off the top bunk in which he hit his head causing a bump. Plaintiff told both Trice and Nikie his current injuries which were bruises in and around the anal, Neuralgia Pain, Inflammation of the ankle and knee, broken nose, chronic back pain, Sciatic Pain in hip and thigh, numbness along the left side of the head going to his right shoulders and hand.

Bruised ribs.... Base on D.O.C. medical Policy, Brown should had been push to a hospital because Huntington dose not have the tools needed to diagnose Plaintiff. Nurse Trice told Plaintiff on the night of 2-14-18 he would see a doctor the next day because it was really late. On 2-15-18 Brown was called down to a strip cage and was told there was a doctor waiting to evaluate him; apparently it was nurse Nikie with a camera. she did not ask Brown to take pictures and started to take pictures. After she was done she did nothing for Plaintiff, telling him to put in a sick call and that he would need a court order to get treated see Exhibit A-F1-7. Plaintiff was send back to his cell; without being evaluated or given pain medication. As Plaintiff was walking out nikie then asserted we don't think you got raped and if you did and we was to treat you without a court order then we would be setting our selfs up for a BIA lawsuit. We know you like to Suck Peckle.

Plaintiff put in a sick call because he was in alot of pain. A P.A. Eric came to his door on 2-17-18 Brown asserted all his on going injuries and that he was not getting treated. A claim for deliberate indifference in violation of the Eighth Amendment requires more than an allegation of mere medical malpractice; a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs "see Estelle v. Gamble, 429 U.S. 97, 105-06 (1976). This standard requires both a serious medical need and deliberate indifference to that need by prison officials. Monmouth Cty. Corr. Institutional inmates v. Igarzo, 830 F.2d 326, 336 (3d Cir 1987).

The "Knowledge of the need for medical care, accompanied by the intentional refusal to provide that care," is sufficient to meet the deliberate indifference standard. Brown is claiming defendants Nurse Trice, Nurse Nikie and P.A. Eric refused to treat him or log him in for treatment; Eric told Brown there was nothing he could do for him with out a court order. And that inmates did not have any privacy's. Eric then walked off doing nothing to evaluate Brown. Plaintiff is also claiming defendants were also negligence to his injuries and or medical malpractice.

Plaintiff also brings count XIII, XV, XX against Dr. Kevin Kollman, Dr. Kalada and Paula Price. Plaintiff met with Paula Price around 11-15-17 during a meeting with P.A. Gomes. She asserted that she was the Health Care Administrator. Brown told miss Price that he was very concern Pursuant to his health; that his heart issues were never adressed at Camp Hill, not only that he had suffered sexual assaults on 10-1-17 and 10-4-17 while at camp Hill in the RHU after officials housed him with a violent inmate.

Price then asked Brown why he hadn't been treated at camp Hill and Plaintiff told her they had deprived him medical attention for reasons he was not all the way sure off. Brown also asserted that had asked him for court orders to address some of his medical issues. Plaintiff then told miss Price that he was bleeding from his anal; he still had r was feeling numbness on the left side of his head down to his right shoulders and hand. Back and hip pain, leg pain; he had some eye vision issues. She cut Plaintiff off and asserted the Gomes would only be adressing his bleeding from the anal because she did not believe that he was bleeding in that area. An anal exam was conduct in which infact it showed Plaintiff was bleeding from his anal. Paula Price did nothing for Plaintiff. Although he was evaluated by way of anal exams, they did nothing to treat Plaintiff injuries after being aware that he was bleeding from his Anal. Plaintiff asked for pain meds but was denied.

The liability of non-medical Prison officials for inadequate medical treatment received by an inmate is limited by the natural division of labor within a Prison. Spruiell v. Gillis, 372 F.3d 218, 236 (3d Cir. 2004). Officials without medical expertise are entitled to rely on the judgment of the staff with that expertise. Thus, a non-medical official does not act with deliberate indifference by failing to respond to

of the Prison's medical staff; see *Durmer v. O'Carroll*, 991 F.2d 64, 69 (3d Cir. 1993) that was not the case Brown is claiming that Paula Price had reasons to believe that he was getting mistreated by the medical staff; *Spruill*, 372 F.3d at 236. Miss Price her self told Brown that only a anal exam would be conducted. Brown did not even agree to this etc. that Gomes conducted in front of inmates and inmates with no gloves. Price asserted she did not believe Brown was bleeding from the anal; once Gomes conducted the exam and found that Brown was bleeding from his anal like he had. Plaintiff was denied medication or treatment; Price was aware that officials fail to evaluate Plaintiff's head injuries in which they would have to send him outside the cell because SCI Houdon does not have the tools to evaluate such injuries. At no time was Brown given an EKG, electrocardiogram to see what was going on with his heart issues in which is another medical regulation miss Price was aware officials was not complying with.

Plaintiff meet with Dr. Kalada on 11-30-17. This Dr. told Brown this was not an evaluation; that he was directed to do x-rays just to make sure Plaintiff did not have a broken bone sticking out. Plaintiff told Dr. Kalada that he was in a lot of pain that the numbness on the left side of his head would not go away down to his right shoulders in which was left untreated. Plaintiff asserted that Gomes conducted an anal exam in which findings were he was bleeding from his anal but he was never given any medication. Dr. Kalada asserted to Brown that was nothing he could do for his injuries; that to adequately evaluate him he would have to go out of the cell because they did not have the tools, and that would not be up to him. He asserted that Brown would need a court order to get his head and heart issues addressed.

Again another medical official did nothing to evaluate Plaintiff. Plaintiff asked Dr. Kalada for pain medication because he could not sleep; again Dr. Kalada refused. This Doctor then told Brown we know you are trying to litigate and put us in lawsuits. We can't help you hurt us. Dr. Kalada then kicked Plaintiff out his office. Plaintiff wrote a grievance but nothing was done.

Plaintiff meet with Dr. Kollman around 2-20-18; again Brown told Kollman his symptoms were getting worse; that he had just suffered a sexual assault at the hands of an inmate name Allan. Kollman asserted "damn how many times are you going to get sexually assaulted, it seems like you like it!" Brown asserted his injuries were abdominal pain, bleeding and bruises in and around his anal, neuralgia pain, inflammation of ankle and knee, broken nose, chronic back pain. Brown asserted he has just suffered an asthma attack and nothing was done to call medical and he did not have a inhaler for his chronic attacks. Also static pain in his hip and thigh, numbness along the head down to his shoulders and a bomb on the head and bruised ribs. Kollman and King contested that if they order x-rays and anything was wrong that Plaintiff would need an court order to see a specialist, because they were under funded.

Dr. Kollman also told Plaintiff "Bene that you are who you are we really don't want to get involve because you sue everybody. He then asserted the most we can do is order aspirin only if he sign a cash slip. Plaintiff then said he was indigent and he was deprived of pain medication.

Plaintiff meet with Kollman again this time Paula Price was also in the meeting. Plaintiff asserted he had just past out in his cell from intense chest pains and that because there was no stress button with in the cell he was unable to get medical attention hitting his head and making his injuries worsen. Plaintiff asserted he had been having chest pain more and more and that he was not on any medication for his heart issues. Plaintiff then asked for an E.K.G. and he was denied by both officials. Plaintiff then asserted was on going injuries had not been treated and he had anal pain and chronic back pain along with his other injuries they told Plaintiff that he would need a court order to get evaluated.

See Grievance # 724081. There are genuine issues of material fact as to whether these defendants violated Brown's constitutional rights; ~~the~~ by depriving him medical attention. Prison medical staff violate the Eighth Amendment if they "deny reasonable requests for medical treatment and such denial exposes the inmate to undue suffering or the threat of tangible residual injuries" *Westlake v. Lucas*, 537 F.2d 257, 260 (6th Cir. 1976)

Brown also brings these claims against Nurse Hollie Brown meet with this nurse around 1-26-18 while in a camera cell having an asthma attack. Hollie came to the door as Brown was on the ground telling her "I can't breathe" "I can't breathe" Brown ask for an inhaler or for help before passing

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On 6-9-18 Plaintiff with his Asthma attack. Plaintiff again met with Hallie on 6-9-18 he told her he was having intense pain in the chest area and that his heart issues were never addressed by the medical department. Plaintiff then dove to the floor hitting his head; Hallie quickly walked off. On 6-11-18 Plaintiff again met with Hallie telling her he hit his head from the heart pain on 6-9-18 and asked why she walked away. She then asserted don't you know your on a black list, nobody's going to treat you because you like to sue people. Plaintiff again asked for an EKG because he was feeling sharp pain in the heart and he was on medication in the streets after a cardiac arrest. Plaintiff was ignored.

Plaintiff again met with Hallie on 6-17-18 asserting he was still having back pain and Sciatic Pain in his hip and thigh, and the numbness on the left side of his head would not go away. And his acute asthma was not being addressed. Hallie told Brown "You need an court order to get your heart issues addressed it would cause our provider alot of money to treat that." She ignored Brown's other claims and walked off. The knowledge of the need for medical care is accompanied by the intentional refusal to provide that care. Deliberate indifference is manifested. Lanza, 934 F.2d at 346. Claims of Negligent and medical malpractice can only be found in the instance if a duty is owed to the Plaintiff which is breached see Regan v. Town of Lower Merion, 36 F. Supp. 2d 245, 251-58 (E.D. Pa. 1999).

Brown is an inmate that was already diagnosed at Temple Hospital and follow up at Harrison House with Bipolar and Schizophrenia and P.T.S.D. While in the county jail at George Will Hall Plaintiff was diagnosed with depression. Plaintiff was on Risperdal, Wellbutrin and Depote. Plaintiff first wrote Cousin a request asking to evaluate him explaining what medications he was on and what he was diagnosed with. On 10-26-17 Cousin wrote back asserting Plaintiff would have to go through a Miss Butterbaugh. On 12-5-17 after being sent to the P.D. for refusing a cellmate Brown met with Cousin and Goss. Brown told both defendants that his medication was not being given to him and that he had suffered a rape assault at SCI Camp Hill and his on going symptoms were getting worse. Brown asserted he was feeling down and gray, sweating more and more in which his heart rate was beating faster when other inmates came close to him. Crying and fear of being harm to the point of sleeping under his bunk. He thought of coming out his cell and he could not stop shaking to the point that officials started to call him shake and bake. Plaintiff also asserted that he was hearing his attacker voice and it would not stop. Defendants denied Plaintiff of psych medication; defendants told Brown "OK smart ass we know who you are your not getting shit; sue us." If your claiming your suicidal, you have to act on it!" see Exhibit A-B 1-6. Plaintiff again met both Cousin and Goss on 1-17-18. Brown asserted his mental needs were not getting met and his symptoms were worsening. Cousin asserted "Spell symptoms". At no time did Cousin who is the head Psychiatrist and Richard Goss the head Psychologist of the institution treat or evaluate Brown from his on going symptoms. Both defendants denied Plaintiff psych medication while at SCI Huntinton although aware Plaintiff was already on Risperdal, Wellbutrin and Depote. Brown is claiming both defendants were deliberate indifference to his psych needs.

In addition to deliberate indifference, the Plaintiff must show that his need require attention, or have been previously diagnosed by a doctor as needing treatment. *Isola v. G.V. of Lawrence*, 396 F.3d 314, 320 (3d Cir 2005). Plaintiff's symptom had manifested to the point he would sleep under his bunk out of fear; because of officials actions Plaintiff was subject to substantial and unnecessary suffering see *Colburn v. Upper Merion Twp.* 946 F.2d 1017, 1023 (3d Cir 1991).

Count XXI Intentional Infliction Of Emotional Distress

Plaintiff is claiming that defendants actions caused him intentional infliction of emotional distress. Under Pennsylvania law is (1) that the defendant's conduct was intentional or reckless; (2) that defendant's conduct was extreme and outrageous; (3) that defendant's conduct caused emotional distress; and (4) that the resultant emotional distress was severe see *Brown v. Linden Law Offices, P.C.* 2011 WL 40111 at 3 (E.D. Pa. Sept. 4, 2011).

from defendant. Plaintiff was told that he was in a cell with a woman inmate deliberately telling him he has 12 AA assaults and likes homosexual in which Plaintiff suffered two sexual assaults and injuries. To officials of camp Hill depriving Plaintiff medical attention after his nose was busted up and he was bleeding all over. Plaintiff was also subject to sexual assaults at SCI Huntingdon when officials forced him with an unknown inmate and then conspiring to keep him in the cell after witnessing and being aware that he was getting assaulted and sexual assaulted. C/o Plocinik and LT. Eberling assaulting Plaintiff during Property exchange; also C/o Myers and Tomblly and Zimmerment actions were outrageous when they also cornered Brown in assaulting him.

Plaintiff was denied showers and rec for over 189 days in which w distress in which the medical deprivation refuse to treat him at both camp Hill and SCI Huntingdon. Brown suffered injuries from the sexual assaults, heat stroke, heart pain and asthma attacks and was never put on pain medication for none of this. Cousin's and Goss also deprived Brown of treatment although aware of his on going symptoms in which he was diagnosed by other psych doctors. A claim for negligent infliction of emotional distress can only be found in this instance if a duty is owed to the Plaintiff which is breached. See Regan v. Township of Lower Merion, 36 F. Supp. 2d 245, 851-52 (E.D. Pa. 1999).

A cause of action for negligent infliction of emotional distress exist in only two circumstances: 1) where a close family member experiences a contemporaneous sensory observance of physical injuries being inflicted on another family member or 2) where the Plaintiff nearly experiences a physical impact in that he was in the zone of danger of the defendants tortious conduct. Plaintiff is claiming defendants intentionally engaged in extreme or outrageous conduct that caused severe emotional distress. Hunt ex rel. Desombre v. State, Dept. of Safety & Homeland Sec., Div. of Delaware State Police, 69 A.3d 360, 367 (Del. 2012).

"Outrageous behavior is 'conduct that exceeds the bounds of decency and is regarded as intolerable in a civilized community.' "It is for the court to determine, in the first instance, whether the defendant's conduct may reasonably be regarded as so extreme and outrageous as to permit recovery. If reasonable minds may differ, the question of whether the conduct is extreme and outrageous is for the jury. The extreme and outrageous character of the conduct may arise from an abuse by the actor of a position, or a relation with the other, which gives him actual or apparent authority over the other, or power to affect his interests. Faneau v. Rite Aid Corp. of Delaware, 1984 A.2d 812, 813 (Del. Supr. Ct. 2004).

Count XXII Assault & Battery

Plaintiff is bringing claims of Assault & Battery against Sgt. Tomblly, Sgt. Zimmerment, C/o Myers, C/o Plocinik, LT. Eberling

On 9-15-17 Plaintiff wrote a grievance on C/o Zimmerment, Sgt. Zimmerment would later fish Plaintiff grievance out of the grievance box. On 9-18-17 Plaintiff was called to a back room with no camera. As Plaintiff entered the room Tomblly, Myers and Zimmerment cornered him. Plaintiff walked into a punch from Sgt. Tomblly, he was then hit a game, then kicked in the back by Myers. After Plaintiff fell all three actors started to hit him, causing injuries. On 9-28-17 Plaintiff was told to lock in after he had asked Tomblly about a make up hair cut. As Plaintiff was walking back to his cell, he was slammed on the gate by C/o Myers, in which his hand was caught on the gate and C/o Myers slammed his hand on the gate. Plaintiff suffered a deep cut on his hand.

On 2-25-18 Plaintiff was taken to Property exchange. C/o Plocinik and LT. Eberling started to ask Plaintiff about his sexual assault allegations with a smirk on his face. Plaintiff was then hit with an elbow to the back. Plaintiff then fell to his knees. He was then hit with a mace. Plaintiff was cuffed. He was then kicked by LT. Eberling in the stomach as if he was a soccer ball. Plaintiff was then hit across the face and started to bleed. Plaintiff was hit in the ribs and then C/o Plocinik grabbed his balls and pulled on it.

Generally battery is any harmful or offensive contact with a person that is done intentionally. An assault is an act that is intended to cause and does cause a reasonable fear that a battery is about to occur. See *Bock v. City of Pittsburgh*, 89 F.3d 966, 974 (3d Cir. 1996). See *Johnson v. Glick*, 481 F.2d 1025, 1033 (2d Cir. 1973).

Any intentional and unpermitted contact with the Plaintiff's person or anything attached to it. The assault and battery standard, which focuses on what is "reasonable" and "necessary" rather than on what the officer intended, appears similar to the Fourth Amendment "objective, reasonableness" standard applied to uses of force rules it is more favorable to prisoners than the *Hudson v. McMillan* Eighth Amendment standard, which requires the Plaintiff to prove malicious intent see *Polizzi v. Trish* 454 S.2d 84 85 (CA App 1963)

~~Plaintiff~~ Extent of Due Process For Damage Of Property
Plaintiff brings damage of Property claim through due process and access to the courts against ~~LT. Younker~~ and ~~Packer~~ Sgt. Flowers. Plaintiff also brings extent of these claims against mail room J. Neumann and mail room Mrs. Stone. On the way to the Rtu on 1/22/18 LT. Younker told Brown remember my fucking name, your not getting any of your property you fucking rat!

During the inventory of Brown's property Brown notice pilot of his legal property missing including his commissary, so he did not sign the property check. LT. Younker and Flowers were called down both defendants started arguing with Plaintiff pursuant to his missing property. They then started to call him a "whistle blower" also saying inmates that litigate get their property confiscated. Plaintiff then wrote a grievance see Exhibit 11-6. Officials actions has hurt Brown's pending civil cases in which most of his Exhibits went missing for case Brown v. Phillips and Brown v. Whitside. It has been hard for Brown to respond to Discovery motions and conduct discovery because of all the information and exhibits and documents Brown is missing.

It has also been hard to respond to adversary's motions. This has also a restraint pursuant to his criminal appeal. Although Brown has one criminal appeal with in the courts he has been unable to file an appeal to his other criminal case in which he is missing his transcripts. Carroll v. Sielaff 514 F.2d 415. Brown is claiming this was more than simple negligence on the part of defendants Brown has establish a prima facie case of deprivation of liberty protected by the Fourteenth Amendment and access to the courts. Lynch v. Household Finance Corp. 405 U.S. 513 512-522 31 L.Ed 2d 424 425. Ct. 1113.

Brown is also bringing this claim under state law for the loss of his property. Brown is also bringing these claims against J. Neumann of the SCT Huntingdon mail room and Mrs. Stone. These actors actions are violating Plaintiff's access to the court and due process. If defendants are claiming Procedure then Plaintiff is claiming the Procedure. As lacking due process, Brown has been subject to both Mis Stone and J. Neumann rejecting his Federal mail from going out because he is indigent. On 6/11/18 Brown filed a motion for leave to file a amended Complaint pursuant to Brown v. C.E.C. 16-1660 Stampout from 3 Court Order on 5/22/18. Brown also filed a Production of Document pursuant to Brown v. Phillips 16-226. sending it to defendants lawyers and the Federal Courts. Defendants denied Plaintiff mail from going out see Exhibit A-1. They claim that Brown did not have money for postage and it's regulation that he only get \$10.00 a month for postage; this \$10.00 also includes copying cost. Pursuant to their Procedure Brown can not send out mail till 7/1/18 because he is indigent.

Brown again try to send out mail to the federal courts this time it was a request asserting that he had given his status sheet for case 16-5587 and for Philadelphia county, Abello, and Sgt Maldonado and also the c/o Rendlement get and of these motion and had 14 days to respond to them. Plaintiff did not receive them was denied by the Jail's mail room Supervisor J. Neumann and miss Stone. These defendant's were dismiss because his mail could not go out telling the court's and defendant's lawyer he did not receive their motions. Plaintiff also attempted to send out a Production of Document for another case 16-cv-3887 on 6-17-18 and his request was denied by miss Stone.

The court should note that this mail room allowed Brown to send out over \$135.00 in postage from 02/01/18 - 03/02/2018 see Monthly Account Statement Dated 02/01/2018 - 03/02/2018. Brown is showing injuries to his cases see Myers v. Hundley, 101 F.3d 512 (8th Cir. 1996). The right to access to the courts has a very serious limitation, that comes from a Supreme Court case called Lewis v. Casey, 518 U.S. 343 (1996). This case states that a prisoner cannot claim he was denied his right of access to the courts unless he shows an actual injury. "To show actual injury, you have to prove that prison officials or prison policy stopped you from being able to assert a 'nonfrivolous claim.' This is the case." Officials are claiming that they can stop Plaintiff federal mail and petition because he is indigent in which he is only intital to \$10.00 a month for postage within that \$10.00 it includes copying cauces. Plaintiff is claiming he can't even edqually fight grievances with \$10.00 a month.

Count XV Negligence

Although Plaintiff had only addressed his negligence claims against the medical defendants; Plaintiff is claiming the court's Should also apply his negligence claims and standards against these defendants in whir Plaintiff has already explained there actions through the complain. Brown is claiming all these defendants had a duty, and breached that duty.

LT. Gildea, C/O Harris, C/O D.L. Hill Jr, C/O Sposito, Sgt. Zimmerment, LT. Maxwell, Sgt. Leleux, LT. Frances, LT. Snyder, C/O Plocinik, C/O Crawford, C/O Harris, Ericc Parsons, C/O Johnson, Sgt. Aider, LT. Dunkel, LT. Vounker, C/O Fochtman, LT. WE. House, Unit Manager Kendrick, Mandy Sipple, Superintendent Harry, C/O Kovick, LT. suimi, Sgt. Tomblly, C/O Myers, LT. Eberling, Kevin Kauffman, C/O Wevant, Cousin, Goss, C/O Garlik, Sgt. Rhodes, Property Sgt Flowers, Mail Room Sgt J. Neumann, Mrs. Stone, S. Ellenberger, Counselor Richards, John Wetz, Sgt. Smith, P.A. Jean Doe at Graterford, C. Green, C/O Smith, C/O Myers, P. Sgt. Heater,

The elements of a cause of action based on negligence are a duty, a breach of that duty, a causal relationship between the breach and the resulting injury, and actual loss. Burman v. Golay & Co., Inc. 426 Pa. Super. 209, 616 A.2d 657 (1992) When considering the question of duty, it is necessary to determine "whether a defendant is under any obligation for the benefit of the particular Plaintiff ... and, unless there is a duty upon the defendants in favor of the Plaintiff which has been breached, there can be no cause of action based upon negligence." Hoffman v. Sun Pipe Line Co., 394 Pa Super. 109, 114, 575 A.2d 122, 125 (1990)

The court is aware that duty, in any given situation, is predicated upon the relationship existing between the parties at the relevant time, 345 Pa. Super. ... Where the parties are strangers to each other, such a relationship may be inferred from the general duty imposed on all persons not to place others at risk of harm through their actions. Plaintiff has sworn under penalty of perjury that everything in this complaint is true.



Integrated Offender Case Management System

6/1/2018 8:09:31 AM

Monthly Account Statement

From Date: 05/01/2018

To Date: 06/01/2018

Housing	Case ID	Offender Name	Location	
G-D-1006-01	NA6401	BROWN,GARTOR	Huntingdon	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
HUN-029920	05/16/2018	36 - Library Copies	-4.40	-87.00
HUN-029931	05/17/2018	37 - Postage (First Class Mail)	-1.84	-88.84
HUN-029977	05/23/2018	36 - Library Copies	-1.40	-90.24

Current, Escrow, & Available Balances are as of 6/1/2018 8:09:31 AM

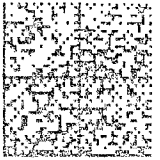
Current Balance	-90.24
Escrow Balance	0.00
Available Balance	-90.24

FILED
HARRISBURG, PA

AUG 01 2018

PER


DEPUTY CLERK



Gertor Brown WA6461
1100 Pike Street Huntington
P.A. 16654-1112

United States District Court
228 Walnut Street Harrisburg,
P.A. 17108

USMS

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